

71st CONGRESS BEGINS FINAL SESSION



## The Pro and Con Monthly

December, 1930

Outlook for the Short Session

President Hoover's Recommendations

Expediting the Annual Supply Bills

Other Business Having Privileged Status

Progress Made on Important Problems



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# The Congressional Digest

The Pro and Con Monthly

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# The Congressional Digest

December, 1930

Vol. 9 - No. 12

## 71st Congress Begins Final Session

The Outlook for the Short Session  
Who's Who in the Present Congress  
Legislation Having Privileged Status

President Hoover's Recommendations  
Review of Action Taken to Date on  
Important Questions Before Congress

### The Outlook for the Short Session



HEN a Congress assembles for its final, or short session, which begins on the first Monday in December of the even year and automatically ends at noon on the succeeding March 4th, the leaders of the party in control are faced with a program involving three types of legislation.

First come the regular annual supply bills, or appropriation bills, which contain the appropriations of all money for running the various phases of the Government and any special projects the Government may be undertaking. These must be passed before July 1 of the succeeding year, when the Government's fiscal year begins, since the appropriations made in the previous session cover one year only.

Second, come those bills which were on the way toward passage in the previous session, but which were not finally disposed of.

Third, come bills dealing with emergency legislation or legislation deemed necessary or advisable on account of new conditions that have arisen since the previous session ended.

#### *Appropriation Bills Must Be Passed*

Unless appropriation bills are passed by noon on March 4 an extra session to pass them is necessary, since, if they were left unpassed by July 1 the executive departments of the Government could not operate.

It is true that Congress can, in the case of a legislative jam, pass what is known as a continuing resolution declaring the same appropriation made in a given appropriation bill the year before to be repeated for the ensu-

ing year, but this method is rarely resorted to. As a rule leaders in both the House and the Senate, following a long established custom, and by the strict application of the rules of the House and the Senate, see to it that there is a little delay as possible in drafting these bills, reporting them from committees and pressing them for consideration on the floors of the two houses.

Special consideration is also given to those measures of national importance left undisposed of at the preceding session which the leaders consider should be passed.

Equal care is taken to forestall, so far as possible, any delay in handling emergency measures.

The rules of both the House and Senate, as the result of years of experience, are now so framed as to provide the machinery for the prompt dispatch of all types of legislation providing there is no definite attempt to block legislation.

#### *How the Rules of the House and Senate Operate*

On this point the rules of the House are more strict than those of the Senate. Beyond the point of allowing reasonable debate and protecting the minority from unfair practices, the House rules are so framed that there is little opportunity for a minority group to delay action on any measure, merely for the sake of delaying it, for more than twenty-four hours.

The rules of the Senate are far less rigid. They permit of almost unlimited debate and, while they are such that ultimately the majority can always force a vote, the minority has many more expedients for delay to resort to than has a minority in the House. In the absence of

a definite effort to obstruct legislation, the Senate rules, however, permit of the utmost celerity in handling its work.

Thus, in considering the prospects of a short session, one must first consider the program as set forth by the party in power. If the party in power has a clear working majority in both branches of Congress it is usually able to put its program through without great delay. If, on the other hand, it has a slender majority in both houses, or even in one house, where defections from its own ranks on any important measure may leave it without a majority, it faces difficulties.

#### *The Majority Program*

When a political party is represented by the President and majorities in both houses the legislative program outlined by the President in his annual message to Congress is usually followed. In preparing his message the President invariably consults with his party leaders in the House and Senate, availing himself of their counsel and advice.

Following the receipt of the annual message, the majority leaders in the two houses launch their program and put behind it all their power.

#### *Dealing With Opposition*

If they anticipate that certain measures will arouse such opposition as to jeopardize the entire program they usually lay them aside and concentrate on those they consider the most important. As a general rule a short session program contains few measures outside the appropriation bills.

When the margin of majority in one branch or the other is slight and a determined opposition to one or more measures is threatened, practically nothing but the most pressing legislation is attempted. Sometimes that is abandoned in order to insure the safe passage of the supply bills.

Again, in situations where a bare majority exists, a majority which is frequently lost through defections or on measures marked by a general break down of party lines, the party in power finds itself faced with real difficulties in defeating a measure held to be against the general policies of its party.

#### *Operations of the "Bloc" System*

When the parties are nearly evenly divided in one or the other of the houses of Congress the appearance of "blocs" invariably follows. These blocs are usually formed by a minority group of one party, whose members are at variance with their party on one or more major policies, forming themselves into a unit to swing their vote from one party to the other as an opportunist balance of power.

There have been several of these occasions in Congress in the past twenty years. The most recent was the action of the group of Republicans from western states in connection with the consideration of the tariff bill passed in June, 1930. On certain schedules this bloc voted with the Democrats and defeated the Republicans.

#### *Threatened Opposition in Present Short Session*

Announcement has been made by members of the Republican insurgent group in the Senate that unless certain measures they advocate are included in the program of the coming short session they will force an extra session. This announcement would indicate that the Administra-

tion forces in Congress are faced with the problem of how to overcome this opposition and put through their program between December 1, 1930, and March 4, 1931, thus avoiding an extra session.

Therefore, as soon as the President's annual message has been received and read in Congress, the Republican leaders of the House and Senate will map out a plan of campaign. They will decide on what legislation they will attempt to put through and arrange a program for its consideration.

In the House the Republicans have a safe majority, even counting Republican members from western states, who might follow the lead of the insurgent western Republicans in the Senate, and vote against Administration measures.

#### *House Rules Make Purely Obstructive Tactics Difficult*

Furthermore, the House rules are so framed that the majority can dispatch business with celerity and precision, yet with due regard for deliberation.

A member or members desiring to obstruct legislation can make a certain number of dilatory motions, but as soon as it is apparent to the chair that these motions are purely dilatory the chair can stop them by ruling against them.

A demand for a call of the House roll on the ground of an absence of a quorum was formerly a powerful weapon for delay on the part of opponents of legislation in the House. The rules of the House provide that a majority of the House membership constitutes a quorum to transact business. A member seeking delay may demand a roll call. The doors are then locked and the roll call is begun. But it works automatically.

#### *Bringing in a Quorum*

The calling of the roll is always announced by the ringing of electric bells throughout the entire House wing of the Capitol building and in each of the members' offices in the House Office Building, a few hundred yards away. To call the roll of the House, with its 435 members, takes about forty minutes.

As each absent member comes in he is recorded as present and may immediately vote on any pending motion. Thus, when any important measure is up, a quorum is almost invariably brought into the House Chamber within a few minutes.

It has occurred in the past that the Speaker has had to send the sergeant-at-arms and his deputies out to arrest members and bring them into the House in order to force a quorum, but that happens infrequently nowadays, those desiring to oppose a measure rarely caring to go so far in their opposition as to absent themselves from the Capitol purposely in order to break a quorum and prevent the transaction of business.

To safeguard the minority, however, a motion to recommit a bill is always in order. Thus, if a provision is suddenly discovered in a bill that a majority of the House sincerely opposes, the progress of the bill may be stopped by adopting a motion to recommit, or to send it back to committee.

The opportunities cited above practically exhaust the powers of obstruction in the House.

#### *Obstruction Less Difficult in Senate*

In the Senate, however, the opportunities for obstruction are practically unlimited. Whereas, in the House,

*Continued on page 304*

## Who's Who in the Present Congress



EXCEPT for the filling of vacancies in the House and the filling of vacancies and unexpired terms in the Senate, the Congressional election of 1930 had no bearing on the present makeup of the Senate and House. Senators and Representatives elected to the Seventy-second Congress will not be eligible to take their seats until March 4, 1931. They will be seated at the first session of the Seventy-second Congress.

When the elections of 1930 were held, there were 14 vacancies in the House which had to be filled by special elections. Thirteen of these were filled. The fourteenth, caused when Representative Charles F. Curry of California passed on, was not filled because Mr. Curry's passing occurred too late for a special election to be called under the laws of California.

Mr. Curry's son, Charles F. Curry, Jr., was elected to succeed him in the Seventy-second Congress, but his district will be unrepresented throughout the remainder of the present Congress.

On November 27 Representative John Francis Quale, Democrat, of the Seventh District of New York, passed on, after being re-elected to the next Congress, making the second vacancy in the present House.

Seven vacancies were filled in the Senate in the elections of 1930, in the States of Delaware, Kansas, Kentucky, New Jersey, Ohio, Pennsylvania and Wyoming. In most of these states the governors had made appointments to the Senate to fill vacancies until the elections of 1930, but these appointments lasted only until an election could be held. In Delaware an appointed Senator, Mr. Hastings, Republican, succeeded himself in the 1930 elections. Of the six other Senators elected to fill vacancies, three were Republicans and three Democrats. The names of the seven Senators elected this fall who will

take their seats at the present session and the duration of the terms for which they were elected follow:

*Delaware*, Daniel O. Hastings, Republican, elected for the remainder of the term ending March 3, 1931, and for the full term beginning March 4, 1931.

*Kansas*, George McGill, Democrat, elected to fill the remainder of the term ending March 3, 1933. Succeeds Henry F. Allen, Republican, appointed to succeed Charles Curtis, Republican, elected Vice President in 1928.

*Kentucky*, Ben Williamson, Democrat, elected for the remainder of the term ending March 3, 1931, and for the full term beginning March 4, 1931. Succeeds John M. Robsion, Republican, appointed to succeed Frederick H. Sackett, Republican, resigned.

*New Jersey*, Dwight W. Morrow, Republican, elected for the remainder of the term ending March 3, 1931, and for the full term beginning March 4, 1931. Succeeds David Baird, Republican, appointed to succeed Walter E. Edge, Republican, resigned.

*Ohio*, Robert J. Bulkley, Democrat, elected for the remainder of term ending March 3, 1933. Succeeds Roscoe C. McCulloch, appointed to succeed the late Theodore E. Burton and to serve until a successor to Senator Burton should be elected in 1930.

*Pennsylvania*, James J. Davis, Republican, elected for the remainder of the term ending March 3, 1933. Succeeds Joseph R. Grundy, Republican, appointed to fill the vacancy caused by the refusal of the Senate to seat William S. Vare, until the elections of 1930.

*Wyoming*, Robert D. Carey, Republican, elected for the remainder of the term ending March 3, 1931, and for the full term beginning March 4, 1931. Succeeds Patrick J. Sullivan, appointed to succeed the late Senator Francis Warren, until the 1930 elections.

## The 71st Congress

*Duration of the 71st Congress, March 4, 1929-March 4, 1931*

*First, or "Special" Session, Beg. Apr. 15, 1929. Adj. Nov. 22, 1929. Second, or "Long" Session, Beg. Dec. 2, 1929. Adj. July 3, 1930. Special Session of the Senate, Beg. July 7, 1930. Adj. July 21, 1930. Third, or "Short" Session, Beg. Dec. 1, 1930. Ends March 4, 1931.*

*In the Senate*  
Membership  
Total—96

53 Republicans      42 Democrats  
1 Farmer-Labor

*In the House*  
Membership  
Total—435

266 Republicans      166 Democrats  
1 Farmer-Labor      2 Vacancies

*Presiding Officer*

President: Charles Curtis, R.  
Vice-President of the United States

*Presiding Officer*

Speaker: Nicholas Longworth, R.  
Member of the House from Ohio

*Floor Leaders*

*Majority Leader*      *Minority Leader*  
James E. Watson, Ind., R.      Joseph T. Robinson, Ark., D.

*Floor Leaders*

*Majority Leader*      *Minority Leader*  
John Q. Tilson, Conn., R.      John N. Garner, Tex., D.

## *Procedure for Expediting the Important Business of the Short Session*

### Legislation Having Privileged Status

**I. The Annual Appropriation Bills**

**II. Unfinished Business in House**

**III. Unfinished Business in Senate**

**IV. Consideration of Conference Reports**

### *I. The Annual Appropriation Bills*



PASSAGE of the regular appropriation bills providing the funds for carrying on the Government is always the major consideration in the short session because of the time limit.

As early as 1835 the necessity of giving appropriation bills precedence over other legislation became apparent and, in 1837, the House adopted a rule establishing a principle which continues throughout various rules of the House today, by virtue of which appropriation bills are given a highly privileged status.

Under House Rule XI, the Committee on Appropriations is entitled to report at any time on general appropriation bills, whereas all other committees with the exception of a few others covered by this rule, must deliver their reports to the Clerk of the House for printing and reference to the calendar, and there await their turn for consideration by the House.

Appropriation bills are further privileged in the order of business in the House under Rule XVI which provides that at any time after the reading of the Journal it shall be in order to move that the House resolve itself into the Committee of the Whole for the purpose of considering bills raising revenue or appropriation bills. The only exception to this is that appropriation bills cannot be called for consideration on Calendar Wednesdays unless the House, by a two-thirds vote, on motion, dispenses with Calendar Wednesday.

General appropriation bills again have precedence, when the House, in Committee of the Whole, is considering business on a Calendar, in that they may be called out of the regular order.

#### *In the Senate*

Under Rule IX of the Standing Rules of the Senate, which deals with the order of business of the Senate, it is provided that a motion to consider an appropriation or revenue bill shall be first in order, as a privileged motion, when the Calendar of General Orders is under consideration, which greatly expedites the handling of appropriation bills in the Senate.

#### *Originate in House*

Appropriation bills originate in the House of Representatives. This right has been questioned by the Senate as not being included in the Constitutional grant of exclusive power to originate revenue bills, and while differences of opinion on this subject have been expressed pro and con by able lawyers and parliamentarians, the fact and the practice remains of originating appropriation bills

in the House, leaving to the Senate rather broad power to amend.

#### *Provisions of Constitution*

The Constitution of the United States gives Congress the authority to raise and spend money for the general welfare of the United States and also lays down the method by which the money shall be appropriated, as follows:

*Art 1, Sec. 8, Par. 1*—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay Debts and provide for the common Defence and general Welfare of the United States; \* \* \*

*Art 1, Sec. 9, Par. 7*—No money shall be drawn from the Treasury, but in consequence of Appropriations made by Law; and a regular Statement and Account of Receipts and Expenditures of all public Money shall be published from time to time.

#### *Rule on Referring Legislation to Committees*

Rule XI of the Rules of the House of Representatives, which provides for reference of legislation to the various standing committees provides that:

"All proposed legislation shall be referred to the committees \* \* \* as follows, viz., subject relating \* \* \*. 3. To appropriation of the revenue for the support of the Government—to the Committee on Appropriations."

Under this rule all bills appropriating money are referred to the Committee on Appropriations. The regular appropriation bills, of which there are nine, covering all the various departments of the Government, originate in the Committee on Appropriations, although certain individual bills for the expenditure of money that are referred to the committee are sometimes included in the regular appropriation bills.

#### *The Estimates*

The usual procedure is for the officials of the various departments to prepare their estimates of the amounts they will need for the next fiscal year. These estimates are sent first to the Director of the Budget who is the representative of Congress to the extent that he must pass on the departmental estimates. The Director of the Budget then makes up a total estimate, divided into separate estimates covering each department, commission or other independent bureau, and forwards it to the President of the United States. The President, in turn, forwards it to Congress with what is known as the Budget Message.

### *The Subcommittees*

The House Committee on Appropriations is divided into subcommittees, usually of three members each, for the consideration of the nine regular appropriation bills. These subcommittees usually meet before Congress convenes and hold hearings at which officials of the various departments, commissions and independent bureaus appear and explain their requests. After the hearings each subcommittee drafts the bill which it has been considering and lays the draft before a meeting of the full committee, which works out the final draft.

### *Reporting the Bills to the House*

In recent years the House Committee has established a system whereby it reports appropriation bills to the House with systematic regularity. As soon as the first bill on the schedule has been reported the second is made ready. When the House begins debate on the first bill, the second bill is immediately reported, so that an appropriation bill is always before the House ready to be taken up.

### *Number of Supply Bills*

In addition to the nine regular bills, there are usually one or two deficiency bills passed at each session. These are designed to meet emergency demands for Government expenditures to fill in gaps that were left out of regular appropriation bills and to care for last-minute demands that Congress decides to meet in the closing days of the session.

### *In the Senate*

When the supply bills have been passed by the House and sent to the Senate, they are referred to the Senate Committee on Appropriations. Usually there are many Senate amendments offered and the Senate Committee also holds hearings before reporting the bills. If the Senate passes an appropriation bill with amendments the House may accept the amendments in which case the bill is sent to the President for signature. If the House disagrees to the Senate amendments the bill is sent to conference where the differences are ironed out.

If Congress fails to pass an appropriation bill before the date of adjournment there are two alternatives. A resolution may be adopted prior to adjournment declaring that the same appropriations for the current fiscal year be continued for the ensuing year. This is called a continuing resolution and has been used on occasions when an appropriation bill contained matter so controversial that the two Houses could not agree.

The other alternative is an extra session. The short session of Congress comes to an end automatically on March 4 (of the odd years). The Government fiscal year begins on the following July, so that if the appropriations are not made prior to that date the branch or branches of the Government not provided for would be unable to function after June 30.

### *The Bills This Year*

On November 12, 1930, the members of the House Committee on Appropriations who had been assigned to the various subcommittees for the preparation of bills arrived in Washington and began work.

According to the program of the Appropriation Committee the first three bills to be reported will be, in the following order, the Treasury and Postoffice Bill, the Interior Department Bill and the Department of Agriculture Bill. After these three, probably in the following order, although the tentative arrangement is subject to change, the War Department Bill, the First Deficiency Bill, the Department of State, Justice, Commerce and Labor Bill, the Legislative Establishment Bill, the Executive Office and Independent Offices Bill, the District of Columbia Bill, the Navy Department Bill and a second Deficiency Bill.

The total of appropriations carried in the nine regular supply bills at the past session was \$3,168,256,665.46. In addition to this was the combined appropriation carried in two deficiency bills amounting to \$243,652,794.64. This gave a grand total of appropriations of \$3,411,909,460.09. See estimates asked for each department this year in the President's Budget Message on page 303 of this number.

## II. Unfinished Business in the House

HE consideration of unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, must be resumed, under the House rules, as soon as the business on the Speaker's table is finished, and considered at the same time each day thereafter until it is disposed of.

Unfinished business means business in the House as distinguished from the House sitting as a Committee of the Whole House. It further means business in which the House is engaged, as distinguished from the special periods set aside for classes of business, like the morning hour for calls of committees, Friday for private bills, Mondays for unanimous consent, suspension of the rules, etc.

When a measure has been made the unfinished business it means that that bill shall be held at the top of the list of business for transaction until it has been voted on.

Two bills are listed as the unfinished business of the House at the opening of the short session. One is the

Copyright Bill and the other is the National Lincoln Museum Bill.

The Copyright Bill was made the unfinished business by virtue of a special resolution reported from the Committee on Rules and adopted on June 24, 1930 (H. Res. 264). It was considered in Committee of the Whole on that date and its consideration is expected to be resumed on the second day after Congress assemble, December 1.

The National Lincoln Museum Bill is subject to consideration on the second and fourth Mondays of the month, when bills relating to the District of Columbia are given consideration.

On May 28, 1930, the House Committee on Patents reported the Vestal Bill, H. R. 12549, amending and consolidating existing copyright laws and authorizing the United States to join the International Copyright Union. This bill was twice sent back to committee. It was finally reported, with amendments, on June 24, 1930. On June 28, under a resolution reported from the Committee on Rules (H. Res. 264) the bill was made the

special order of business and taken up for general debate. At the end of the session it was still undisposed of and is the unfinished business of the House under the provisions of H. Res. 264. Its exact legislative status is that it is pending in the Committee of the Whole, subject to only one motion to recommit, and therefore, must be disposed of.

When the bill was called up for consideration on May 28, 1930, Representative Albert H. Vestal, Ind., R., chairman of the Committee on Patents, made the following explanation of the purposes of the bill:

For many years those familiar with the copyright laws of this country have urged the necessity of a general revision. The present law is admittedly imperfect and confusing and is inconsistent in expression.

A great development has taken place in connection with both the subject matter of copyright, the means for its communication to the public, and as to the countries in which copyrighted material may be utilized to advantage. In view of the fact that the last general revision of the copyright act took place in 1909, attention need only be directed to the vast field of radio and the mechanical reproduction of sound to illustrate the unforeseen developments that have taken place since that date.

Few people realize how vast the field is that is covered or affected by copyright legislation. For many years past the Patents Committee has held hearings with a view to reframing the general copyright law of the United States. These hearings have been attended by authors of all kinds, including novelists, dramatists, poets, painters, designers, sculptors, musicians, and composers, as well as printers, bookbinders, booksellers, map makers, representatives of periodicals, motion-picture producers and distributors, theatrical managers, makers of mechanical phonograph records, makers of piano-player rolls, representatives of radio, libraries, and others too numerous to mention. The difficulties of framing comprehensive legislation so as to deal fairly with all of these interests, many of which deem that they should have rights conflicting with one another, need scarcely be emphasized.

All of them seem to have agreed on one point, and that the necessity for the complete and drastic revision of the copyright act. Most of them—in fact, all of them with possibly one or two exceptions—have indorsed this bill, and the exceptions indicated have approved all of its provisions except the divisibility feature. A nearer approach to unanimity of opinion on the part of those affected can probably never be reached in any bill covering this field.

In a general way the bill proposes:

*First.* Automatic copyright, by which the copyright is conferred upon the author upon creation of his work.

*Second.* Divisible copyright, which permits the assignee, grantee, or licensee to protect and enforce any right which he acquires from an author without the complications incident to the present law.

*Third.* International copyright which enables American authors merely by complying with the provisions of this act, to secure copyright throughout all the important countries of the world without further formalities.

The International Copyright Union is a combination of 40 or more of the leading nations of the world, and under its articles any author whose work is copyrighted in one of the countries of the union automatically obtains protection in all other countries. To adhere to the international union it is essential that copyright be secured without any formality. It is necessary, therefore, prior to our adherence to the union, that our own law be amended to provide for automatic copyright in authors' works. The need of adequate international legislation is clear. The work of American authors increasingly appeals to foreign countries. A very large proportion of our Broadway plays are continuously produced in European capitals and practically all of our motion pictures are shown abroad. Book publishers report that with adequate protection they can establish large export businesses.

The National Lincoln Museum Bill, H. R. 10554, provides for the establishment of a National Lincoln Museum in the building known as Ford's Theater in Washington.

*Continued on page 320*

### III. Unfinished Business in the Senate



UNFINISHED business in the Senate takes precedence over all other legislation, except bills and resolutions subject to consideration in the Morning Hour, which ends at 2 o'clock each day, and special resolutions or motions requiring a two-thirds vote.

Hence a bill or resolution that is the unfinished business of the Senate is usually called up and debated every day until it is finally disposed of.

The unfinished business of the Senate is the Motor Bus Bill, H. R. 10288, providing for the regulation of the interstate passenger motor bus traffic.

This bill was reported from the House Committee on Interstate and Foreign Commerce February 27, 1930, and was passed by the House on March 24.

The Senate Committee on Interstate Commerce, to which it was referred, reported it back to the Senate, with amendments, on April 14.

It was called up in the Senate, as unfinished business,

on June 24 and was debated and amended during the closing days of the session. It was still under discussion on the floor when Congress adjourned on July 3.

The purpose of the Motor Bus Bill is to provide for the regulation of interstate motor bus traffic by the Interstate Commerce Commission.

Objections to various features of the bill became apparent as it was being debated in the Senate but Senator James M. Couzens, Michigan, R., chairman of the Committee on Interstate Commerce, has been working on amendments since Congress adjourned, the adoption of which, he hopes, will overcome opposition to the bill.

One of the prime sources of controversy has been the question of compelling individuals or corporations desiring to establish interstate passenger motor bus services to take out a license of convenience and necessity as condition precedent to obtaining permission to operate. Another controversial point is whether railroad companies shall be permitted to operate bus lines.

#### IV. Consideration of Conference Reports



**N** the process of legislation a conference between the two houses of Congress on a measure occurs when one house has amended a measure passed by the other and, when the measure is sent back to it, the house in which the measure originated, declines to accept the amendments.

At this point a motion is made to disagree to the amendments and ask for a conference. When this motion is passed the presiding officer of the house asking the conference appoints a conference committee, usually of three or five members. When the other house receives the request for a conference, its presiding officer, likewise, appoints a conference committee.

The committees of the two houses then meet and seek to adjust the differences between the two houses and bring in a report that will be an acceptable compromise to both.

When a conference report is brought into either house it is always in order. When a motion is put to consider one it must be acted on at once. The only time such a motion cannot be put is while the Journal is being read, while a roll call is in progress or while the house is dividing on any proposition.

Thus conference reports are given the highest privilege. Of course, after they are taken up for consideration they may be debated or sent back to conference, but the rules of both houses are so framed that when once they are called up they must receive prompt attention.

Six public measures were in conference when Congress adjourned on July 3. Inasmuch as the Seventy-first Congress is still in existence, they did not lose their status because of adjournment.

Under a rule laid down in Jefferson's Manual, which is still in effect, the house asking for a conference leaves the

papers with the conferees of the other, and the house agreeing to the conference must act on the conference report before the house requesting the conference.

Of the pending measures in conference those on which the House asked for a conference and on which, therefore, the Senate must act first are H. R. 9110, grading and classifying clerks of the foreign service of the Department of State; H. R. 9803, providing for travel and other expenses for the personnel of the immigration service of the Department of Labor, and H. R. 8159, for the construction of buildings at West Point Military Academy and other army posts.

Those for which the Senate asked a conference and on which the House must act first are S. J. Res. 49, the Muscle Shoals Resolution; H. R. 980, to remove Government tax liens on real property, and S. 3059, the Unemployment Bill.

Of these measures, the Muscle Shoals Resolution and the Wagner Employment Bill, are the subjects of the greatest controversy.

The question of the United States Government and the employment problem will be dealt with in full in the January, 1931, number of *THE CONGRESSIONAL DIGEST*, and the Wagner Bill will be thoroughly explained at that time.

The Muscle Shoals Resolution, because in its provisions is involved the general question of Government operation of hydroelectric power, and because its acceptance in its original form is asked for by the Insurgent Republicans of the Senate, has become one of the leading problems before the Administration leaders in Congress. An analysis of the Muscle Shoals situation in Congress will be found below.

#### The Muscle Shoals Controversy in Congress

Intermittently, for more than a century the problem of Muscle Shoals has been before Congress. In 1824, John C. Calhoun, then Secretary of War, urged a survey of the Muscle Shoals section of the Tennessee River, emphasizing the military necessities of the survey. Various surveys and appropriations for its development for navigation were made from time to time, up to March 3, 1899, when Congress passed an Act authorizing the development of Muscle Shoals for navigation and power and granting to "The Muscle Shoals Power Company" authority to do the work. For several years this work dragged on without completion.

In 1907, the Muscle Shoals Hydro-Electric Power Company, a subsidiary of the Alabama Power Company, applied for permission to build three dams at Muscle Shoals for joint power and navigation development with the cost to be divided between the United States Government and the power company.

Investigations of this proposal by Army engineers in 1908 and again in 1909 resulted in adverse reports by the Army engineers. The power company then made a new proposal, acceptance of which was recommended by the Army engineers in May, 1914. Negotiations were opened

and in June, 1916, the Army engineers, in response to further requests from Congress for information on Muscle Shoals, recommended that an arrangement be entered into with the Muscle Shoals Hydro-Electric Power Company, but attached to this report was a recommendation that all negotiations be suspended because of the provision of the National Defense Act, passed on June 3, 1916.

The prospects of American entry into the World War had caused the War Department to anticipate the need for nitrates for the manufacture of explosives and the National Defense Act had carried an appropriation of \$20,000,000 for this purpose. President Wilson appointed an interdepartmental board, composed of the Secretaries of War, Agriculture and the Interior, to determine the location of nitrate plants. This board finally selected Muscle Shoals as the best site. By November, 1917, the construction of a nitrate plant had begun and arrangements had been made with the Alabama Power Company to build a Government unit at its Gorgas Power Plant, above Muscle Shoals, for the production of power to be used at Muscle Shoals.

During 1918, two nitrate plants at Muscle Shoals were

completed and work had begun on Dam No. 2, for which \$12,000,000 had been set aside. After the armistice the question of what to do with the Muscle Shoal project arose. In January, 1919, President Wilson appointed A. G. Glasgow Nitrate Director. After unsuccessful efforts to interest private concerns in the production of nitrates, Mr. Glasgow presented a plan to Congress for Government operation of Nitrate Plant No. 2. This was embodied in the Wadsworth-Kahn Bill, which was passed by the Senate in May, 1920, but was not passed by the House.

In 1921, John W. Weeks, Secretary of War, announced that if he received an offer representing a fair return to the Government on the investment necessary to complete the Muscle Shoals project, he would send it to Congress. The War Department then asked for bids. The principal bids received were those of the Alabama Power Company and Henry Ford. Farm organizations endorsed the Ford Bill.

From that time until the present, Muscle Shoals has been a constant object of controversy. Various offers have been received from private concerns. In March, 1922, members of the House Committee on Military Affairs and the Senate Committee on Agriculture and Forestry visited Muscle Shoals. On June 9, 1922, the House Committee reported a bill accepting the Ford offer, as revised, but the bill was not passed. On July 22, the Senate Committee, after holding hearings, reported a resolution rejecting all bids.

It was at this point that the present cleavage in Congress on the subject of the disposition of Muscle Shoals appeared. Since that time a majority of the Senate has been in favor of the Government operation of Muscle Shoals and a majority of the House has been in favor of private operation.

In 1924, Henry Ford withdrew his offer. In the meantime other offers were presented and on March 2, 1925, a House Resolution was passed by the House requesting President Coolidge to appoint a Commission to determine the best and cheapest method of producing nitrates. This Commission was appointed and on November 14, 1925, reported that private operation would be "the most advantageous course possible for both the Government and the public."

On March 13, 1926, a joint resolution was passed to appoint a joint committee of Congress to conduct negotiations for the lease of Muscle Shoals. On April 26, the Joint Committee reported that a number of bids had been examined but that only two, that of the Associated Power Company and that of the American Cyanamid Company, were worthy of consideration. Various bills were introduced in behalf of each of their offers.

On March 6, 1928, the Senate passed a resolution offered by Senator Norris of Nebraska, providing for the completion of the Muscle Shoals project by the War Department and operation of the project when completed, by the Secretary of Agriculture. The resolution carried an initial appropriation of \$10,000,000. On May 23, 1928, the House passed the Norris Resolution with an amendment providing that a commission of three members be created to operate Muscle Shoals instead of the Secretary of Agriculture. On May 26, the amended Norris Resolution was passed by the Senate and sent to President Coolidge. Congress adjourned on May 29, 1928. President Coolidge did not sign it and as he did not do so within ten days of the time it reached him, his action constituted a "pocket veto."

On May 28, 1929, the Norris Resolution, S. J. Res. 49, was reintroduced in the present Congress. Reintroduction had been held up because of a doubt in the minds of its supporters that the President's failure to sign it at the end of the first session of the previous Congress, constituted a "pocket veto." Their contention was that a "pocket veto" could operate only at the end of the final session of a Congress.

Pending before the Supreme Court at the time was a case, *The Okanogan Indians et al v. the United States*, in which the question of the effect of a "pocket veto" was at issue. On May 27, 1929, the Supreme Court decided this case and rendered the opinion that a "pocket veto" at the end of any session of Congress had full effect. This necessitated the reintroduction of the Norris Resolution.

On May 29, 1929, the Senate Committee on Agriculture reported the Norris Resolution and, by agreement, it was given a place on the Senate calendar immediately following the Tariff Bill. As soon as the Tariff Bill was passed, the Norris Resolution was taken up. It was passed by the Senate on April 4, 1930, and sent to the House, where it was referred to the Committee on Military Affairs.

On April 8, a subcommittee on the Military Affairs Committee was appointed to consider the Norris Resolution. The subcommittee reported to the full committee on May 1 and on May 2 its recommendations were accepted by the full committee and reported to the House. On May 28, the House passed the resolution. The Senate refused to concur in its amendments and requested a conference. The resolution was in conference when Congress adjourned on July 3, 1930.

The Norris Resolution, S. J. Res. 49, as passed by the Senate, provides for the creation of a Government corporation controlled by a board of three members, appointed by the President and approved by the Senate. The members of the Board shall not have any connections with any public utility corporation. The resolution provides that it shall be the duty of the President in appointing members of the Board to select men who have a belief in the "feasibility and wisdom of the provisions of the joint resolution." Under the direction of the board a general manager will have control and management of the corporation. The Board members will receive pay at the rate of \$50.00 a day for each day actually engaged in work, not to exceed 100 days each year. The combined salaries of the director and two assistant directors is fixed at \$50,000 a year, the exact salaries to be determined by the Board.

The Board is authorized by the resolution to operate all existing plants at Muscle Shoals for production of fertilizers to conduct experiments, to cooperate with State and county agricultural agencies and farm organizations for large scale practical use of new forms of fertilizer and to do anything else that will enable them to produce, at a low cost, nitrates for farm and military uses. All surplus water power not used for these purposes, the Board is directed to sell.

The House Committee on Military Affairs struck out of the Norris Resolution all but its number and the enacting clause and substituted the bill originally introduced by Representative Reece of Tennessee. The Reece resolution provides for the creation of a Board of three, one of whom shall be connected with agriculture. The board is directed

## President Hoover's Recommendations to Short Session

### Annual Message of the President of the United States

*Communicated on December 2, 1930, to the Two Houses of Congress, Third Session, Seventy-First Congress*



HAVE the honor to comply with the requirement of the Constitution that I should lay before the Congress information as to the state of the Union, and recommend consideration of such measures as are necessary and expedient.

Substantial progress has been made during the year in national peace and security; the fundamental strength of the Nation's economic life is unimpaired; education and scientific discovery have made advances; our country is more alive to its problems of moral and spiritual welfare.

#### *Economic Situation*

During the past 12 months we have suffered with other Nations from economic depression.

The origin of this depression lie to some extent within our own borders through a speculative period which diverted capital and energy into speculation rather than constructive enterprise. Had overspeculation in securities been the only force operating, we should have seen recovery many months ago, as these particular dislocations have generally readjusted themselves.

Other deep-seated causes have been in action, however, chiefly the world-wide overproduction beyond even the demand of prosperous times for such important basic commodities as wheat, rubber, coffee, sugar, copper, silver, zinc, to some extent cotton, and other raw materials. The cumulative effects of demoralizing price falls of these important commodities in the process of adjustment of production to world consumption have produced financial crises in many countries and have diminished the buying power of these countries for imported goods to a degree which extended the difficulties farther afield by creating unemployment in all the industrial nations. The political agitation in Asia; revolutions in South America and political unrest in some European States; the methods of sale by Russia of her increasing agricultural exports to European markets; and our own drought—have all contributed to prolong and deepen the depression.

In the larger view the major forces of the depression now lie outside of the United States, and our recuperation has been retarded by the unwarranted degree of fear and apprehension created by these outside forces.

The extent of the depression is indicated by the following approximate percentages of activity during the past three months as compared with the highly prosperous year of 1928:

Value of department-store sales.....	93% of 1928
Volume of manufacturing production....	80% of 1928
Volume of mineral production.....	90% of 1928
Volume of factory employment.....	84% of 1928
Total of bank deposits.....	105% of 1928
Wholesale prices—all commodities.....	83% of 1928
Cost of living.....	94% of 1928

Various other indexes indicate total decrease of activity from 1928 of from 15 to 20 per cent.

There are many factors which give encouragement for the future. The fact that we are holding from 80 to 85 per cent of our normal activities and incomes; that our major financial and industrial institutions have come through the storm unimpaired; that price levels of major commodities have remained approximately stable for some time; that a number of industries are showing signs of increasing demand; that the world at large is readjusting itself to the situation; all reflect grounds for confidence. We should remember that these occasions have been met many times before, that they are but temporary, that our country is today stronger and richer in resources, in equipment, in skill, than ever in its history. We are in an extraordinary degree self-sustaining, we will overcome world influences and will lead the march of prosperity as we have always done hitherto.

Economic depression cannot be cured by legislative action or executive pronouncement. Economic wounds must be healed by the action of the cells of the economic body—the producers and consumers themselves. Recovery can be expedited and its effects mitigated by cooperative action. That cooperation requires that every individual should sustain faith and courage; that each should maintain his self-reliance; that each and every one should search for method of improving his business or service; that the vast majority whose income is unimpaired should not hoard out of fear but should pursue their normal living and recreations; that each should seek to assist his neighbors who may be less fortunate; that each industry should assist its own employees; that each community and each State should assume its full responsibilities for organization of employment and relief of distress with that sturdiness and independence which built a great Nation.

Our people are responding to these impulses in remarkable degree.

The best contribution of government lies in encouragement of this voluntary cooperation in the community. The Government, National, State, and local, can join with the community in such programs and do its part. A year ago I, together with other officers of the Government, initiated extensive cooperative measures throughout the country.

The first of these measures was an agreement of leading employers to maintain the standards of wages and of labor leaders to use their influence against strife. In a large sense these undertakings have been adhered to and we have not witnessed the usual reductions of wages which have always heretofore marked depressions. The index of union wage scales shows them to be today fully up to the level of any of the previous three years. In consequence the buying power of the country has been much larger than would otherwise have been the case. Of equal importance the Nation has had unusual peace in industry and freedom from the public disorder which has characterized previous depressions.

The second direction of cooperation has been that our governments, National, State, and local, the industries and business so distribute employment as to give work to the maximum number of employees.

The third direction of cooperation has been to maintain and even extend construction work and betterments in anticipation of the future. It has been the universal experience in previous depressions that public works and private construction have fallen off rapidly with the general tide of depression. On this occasion, however, the increased authorization and generous appropriations by the Congress and the action of States and municipalities have resulted in the expansion of public construction to an amount even above that in the most prosperous years. In addition the cooperation of public utilities, railways, and other large organizations has been generously given in construction and betterment work in anticipation of future need. The Department of Commerce advises me that as a result, the volume of this type of construction work, which amounted to roughly \$6,300,000,000 in 1929, instead of decreasing will show a total of about \$7,000,000,000 for 1930. There has, of course, been a substantial decrease in the types of construction which could not be undertaken in advance of need.

The fourth direction of cooperation was the organization in such States and municipalities, as was deemed necessary, of committees to organize local employment, to provide for employment agencies, and to effect relief of distress.

The result of magnificent cooperation throughout the country has been that actual suffering has been kept to a minimum during the past 12 months, and our unemployment has been far less in proportion than in other large industrial countries. Some time ago it became evident that unemployment would continue over the winter and would necessarily be added to from seasonal causes and that the savings of workpeople would be more largely depleted. We have as a Nation a definite duty to see that no deserving person in our country suffers from hunger or cold. I therefore set up a more extensive organization to stimulate more intensive cooperation throughout the country. There has been a most gratifying degree of response from governors, mayors, and other public officials, from welfare organizations, and from employers in concerns both large and small. The local communities through their voluntary agencies have assumed the duty

of relieving individual distress and are being generously supported by the public.

The number of those wholly out of employment seeking for work was accurately determined by the census last April as about 2,500,000. The Department of Labor index of employment in the larger trades shows some decrease in employment since that time. The problem form a relief point of view is somewhat less than the published estimates of the number of unemployed would indicate. The intensive community and individual efforts in providing special employment outside the listed industries are not reflected in the statistical indexes and tend to reduce such published figures. Moreover, there is estimated to be a constant figure at all times of nearly 1,000,000 unemployed who are not without annual income but temporarily idle in the shift from one job to another. We have an average of about three breadwinners to each two families, so that every person unemployed does not represent a family without income. The view that the relief problems are less than the gross numbers would indicate is confirmed by the experience of several cities, which shows that the number of families in distress represents from 10 to 20 per cent of the number of calculated unemployed. This is not said to minimize the very real problem which exists but to weigh its actual proportions.

As a contribution to the situation the Federal Government is engaged upon the greatest program of waterway, harbor, flood control, public building, highway, and airway improvement in all our history. This, together with loans to merchant shipbuilders, improvement of the Navy and in military aviation, and other construction work of the Government will exceed \$520,000,000 for this fiscal year. This compares with \$253,000,000 in the fiscal year 1928. The construction works already authorized and the continuation of policies in Government aid will require a continual expenditure upwards of half a billion dollars annually.

I favor still further temporary expansion of these activities in aid to unemployment during this winter. The Congress will, however, have presented to it numbers of projects, some of them under the guise of, rather than the reality of, their usefulness in the increase of employment during the depression. There are certain common-sense limitations upon any expansions of construction work. The Government must not undertake works that are not of sound economic purpose and that have not been subject to searching technical investigation, and which have not been given adequate consideration by the Congress. The volume of construction work in the Government is already at the maximum limit warranted by financial prudence as a continuing policy. To increase taxation for purposes of construction work defeats its own purpose, as such taxes directly diminish employment in private industry. Again any kind of construction requires, after its authorization, a considerable time before labor can be employed in which to make engineering, architectural, and legal preparations. Our immediate problem is the increase of employment for the next six months, and new plans which do not produce such immediate result or which extend commitments beyond this period are not warranted.

The enlarged rivers and harbors, public building, and highway plans authorized by the Congress last session, however, offer an opportunity for assistance by the temporary acceleration of construction of these programs even

faster than originally planned, especially if the technical requirements of the laws which entail great delays could be amended in such fashion as to speed up requirements of land and the letting of contracts.

With view, however, to the possible need for acceleration, we, immediately upon receiving those authorities from the Congress five months ago, began the necessary technical work in preparation for such possible eventuality. I have canvassed the departments of the Government as to the maximum amount that can be properly added to our present expenditure to accelerate all construction during the next six months, and I feel warranted in asking the Congress for an appropriation of from \$100,000,000 to \$150,000,000 to provide such further employment in this emergency. In connection therewith we need some authority to make enlarged temporary advances of Federal-highway aid to the States.

I recommend that this appropriation be made distributable to the different departments upon recommendation of a committee of the Cabinet and approval by the President. Its application to works already authorized by the Congress assures its use in directions of economic importance and to public welfare. Such action will imply an expenditure upon construction of all kinds of over \$650,000,000 during the next twelve months.

#### *Agriculture*

The world-wide depression has affected agriculture in common with all other industries. The average price of farm produce has fallen to about 80 per cent of the levels of 1928. This average is, however, greatly affected by wheat and cotton, which have participated in world-wide overproduction and have fallen to about 60 per cent of the average price of the year 1928. Excluding these commodities, the prices of all other agricultural products are about 84 per cent of those of 1928. The average wholesale prices of other primary goods, such as nonferrous metals, have fallen to 76 per cent of 1928.

The price levels of our major agricultural commodities are, in fact, higher than those in other principal producing countries, due to the combined result of the tariff and the operations of the Farm Board. For instance, wheat prices at Minneapolis are about 30 per cent higher than at Winnipeg, and at Chicago they are about 20 per cent higher than at Buenos Aires. Corn prices at Chicago are over twice as high as at Buenos Aires. Wool prices average more than 80 per cent higher in this country than abroad, and butter is 30 per cent higher in New York City than in Copenhagen.

Aside from the misfortune to agriculture of the world-wide depression we have had the most severe drought. It has affected particularly the States bordering on the Potomac, Ohio, and Lower Mississippi Rivers, with some areas in Montana, Kansas, Oklahoma, and Texas. It has found its major expression in the shortage of pasture and a shrinkage in the corn crop from an average of about 2,800,000,000 bushels to about 2,090,000,000 bushels.

On August 14 I called a conference of the governors of the most acutely affected States, and as a result of its conclusions I appointed a national committee comprising the heads of the important Federal agencies under the chairmanship of the Secretary of Agriculture. The governors in turn have appointed State committees representative of the farmers, bankers, business men, and the Red Cross and subsidiary committees have been established in most of the acutely affected counties. Railway rates were reduced on feed and livestock in and out of

the drought areas, and over 50,000 cars of such products have been transported under these reduced rates. The Red Cross established a preliminary fund of \$5,000,000 for distress relief purposes and established agencies for its administration in each county. Of this fund less than \$500,000 has been called for up to this time as the need will appear more largely during the winter. The Federal Farm Loan Board has extended its credit facilities, and the Federal Farm Board has given financial assistance to all affected cooperatives.

In order that the Government may meet its full obligation toward our countrymen in distress through no fault of their own, I recommend that an appropriation should be made to the Department of Agriculture to be loaned for the purpose of seed and feed for animals. Its application should as hitherto in such loans be limited to a gross amount to any one individual, and secured upon the crop.

The Red Cross can relieve the cases of individual distress by the sympathetic assistance of our people.

#### *Finances of the Government*

I shall submit the detailed financial position of the Government with recommendations in the usual Budget message. I will at this time, however, mention that the Budget estimates of receipts and expenditures for the current year were formulated by the Treasury and the Budget Bureau at a time when it was impossible to forecast the severity of the business depression and have been most seriously affected by it. At that time a surplus of about \$123,000,000 was estimated for this fiscal year and tax reduction which affected the fiscal year to the extent of \$75,000,000 was authorized by the Congress, thus reducing the estimated surplus to about \$48,000,000. Closely revised estimates now made by the Treasury and the Bureau of the Budget of the tax, postal, and other receipts for the current fiscal year indicate a decrease of about \$430,000,000 from the estimate of a year ago, of which about \$75,000,000 is due to tax reduction, leaving about \$355,000,000 due to the depression. Moreover, legislation enacted by Congress subsequent to the submission of the Budget enlarging Federal construction work to expand employment and for increase in veterans' services and other items, have increased expenditures during the current fiscal year by about \$225,000,000.

Thus the decrease of \$430,000,000 in revenue and the increase of \$225,000,000 in expenditure adversely change the original Budget situation by about \$655,000,000. This large sum is offset by the original estimated surplus a year ago of about \$123,000,000, by the application of \$185,000,000 of interest payments upon the foreign debt to current expenditures, by arrangements of the Farm Board through repayments, etc., in consequence of which they reduced their net cash demands upon the Treasury by \$100,000,000 in this period, and by about \$67,000,000 economies and deferments brought about in the Government, thus reducing the practical effect of the change in the situation to an estimated deficit of about \$180,000,000 for the present fiscal year. I shall make suggestions for handling the present-year deficit in the Budget message, but I do not favor encroachment upon the statutory reduction of the public debt.

While it will be necessary in public interest to further increase expenditures during the current fiscal year in aid to unemployment by speeding up construction work and aid to the farmers affected by the drought, I cannot emphasize too strongly the absolute necessity to defer any

other plans for increase of Government expenditures. The Budget for 1932 fiscal year indicates estimated expenditure of about \$4,054,000,000, including postal deficit. The receipts are estimated at about \$4,085,000,000 if the temporary tax reduction of last year be discontinued, leaving a surplus of only about \$30,000,000. Most rigid economy is therefore necessary to avoid increase in taxes.

#### *National Defense*

Our Army and Navy are being maintained at a high state of efficiency, under officers of high training and intelligence, supported by a devoted personnel of the rank and file. The London naval treaty has brought important economies in the conduct of the Navy. The Navy Department will lay before the committees of the Congress recommendations for a program of authorization of new construction which should be initiated in the fiscal year of 1932.

#### *Legislation*

This is the last session of the Seventy-first Congress. During its previous sittings it has completed a very large amount of important legislation, notably: The establishment of the Federal Farm Board; fixing congressional reapportionment; revision of the tariff, including the flexible provisions and a reorganization of the Tariff Commission; reorganization of the Radio Commission; reorganization of the Federal Power Commission; expansion of Federal prisons; reorganization of parole and probation system in Federal prisons; expansion of veterans' hospitals; establishment of disability allowances to veterans; consolidation of veteran activities; consolidation and strengthening of prohibition enforcement activities in the Department of Justice; organization of a Narcotics Bureau; large expansion of rivers and harbors improvements; substantial increase in Federal highways; enlargement of public buildings construction program; and the ratification of the London naval treaty.

The Congress has before it legislation partially completed in the last sitting in respect to Muscle Shoals, bus regulation, relief of congestion in the courts, reorganization of border patrol in prevention of smuggling, law enforcement in the District of Columbia, and other subjects.

It is desirable that these measures should be completed.

The short session does not permit of extensive legislative programs, but there are a number of questions which, if time does not permit action, I recommend should be placed in consideration by the Congress, perhaps through committees cooperating in some instances with the Federal departments, with view to preparation for subsequent action. Among them are the following subjects:

#### *Electrical Power*

I have in a previous message recommended effective regulation of interstate electrical power. Such regulation should preserve the independence and responsibility of the States.

#### *Railways*

We have determined upon a national policy of consolidation of the railways as a necessity of more stable and more economically operated transportation. Further legislation is necessary to facilitate such consolidation. In the public interest we should strengthen the railways that they may meet our future needs.

#### *Antitrust Laws*

I recommend that the Congress institute an inquiry into some aspects of the economic working of these laws. I do not favor repeal of the Sherman Act. The prevention of monopolies is of most vital public importance. Competition is not only the basis of protection to the consumer but is the incentive to progress. However, the interpretation of these laws by the courts, the changes in business, especially in the economic effects upon those enterprises closely related to the use of the natural resources of the country, make such an inquiry advisable. The producers of these materials assert that certain unfortunate results of wasteful and destructive use of these natural resources together with a destructive competition which impoverishes both operator and worker cannot be remedied because of the prohibitive interpretation of the antitrust laws. The well-known condition of the bituminous coal industry is an illustration. The people have a vital interest in the conservation of their natural resources; in the prevention of wasteful practices; in conditions of destructive competition which may impoverish the producer and the wage earner; and they have an equal interest in maintaining adequate competition. I therefore suggest that an inquiry be directed especially to the effect of the workings of the antitrust laws in these particular fields to determine if these evils can be remedied without sacrifice of the fundamental purpose of these laws.

#### *Capital-Gains Tax*

It is urged by many thoughtful citizens that the peculiar economic effect of the income tax on so-called capital gains at the present rate is to enhance speculative inflation and likewise impede business recovery. I believe this to be the case and I recommend that a study be made of the economic effects of this tax and of its relation to the general structure of our income tax law.

#### *Immigration*

There is need for revision of our immigration laws upon a more limited and more selective basis, flexible to the needs of the country.

Under conditions of current unemployment it is obvious that persons coming to the United States seeking work would likely become either a direct or indirect public charge. As a temporary measure the officers issuing visas to immigrants have been, in pursuance of the law, instructed to refuse visas to applicants likely to fall into this class. As a result the visas issued have decreased from an average of about 24,000 per month prior to restrictions to a rate of about 7,000 during the last month. These are largely preferred persons under the law. Visas from Mexico are about 250 per month compared to about 4,000 previous to restrictions. The whole subject requires exhaustive reconsideration.

#### *Deportation of Alien Criminals*

I urge the strengthening of our deportation laws so as to more fully rid ourselves of criminal aliens. Furthermore, thousands of persons have entered the country in violation of the immigration laws. The very method of their entry indicates their objectionable character, and our law-abiding foreign-born residents suffer in consequence. I recommend that the Congress provide methods of strengthening the Government to correct this abuse.

*Post Office*

Due to deferment of Government building over many years, previous administrations had been compelled to enter upon types of leases for secondary facilities in large cities, some of which were objectionable as representing too high a return upon the value of the property. To prevent the occasion for further uneconomic leasing I recommend that the Congress authorize the building by the Government of its own facilities.

*Veterans*

The Nation has generously expanded its care for veterans. The consolidation of all veterans' activities into the Veterans' Administration has produced substantial administrative economies. The consolidation also brings emphasis to the inequalities in service and allowances. The whole subject is under study by the administrator, and I recommend it should also be examined by the committees of the Congress.

*Social Service*

I urge further consideration by the Congress of the recommendations I made a year ago looking to the development through temporary Federal aid of adequate State and local services for the health of children and the further stamping out of communicable disease, particularly in the rural sections. The advance of scientific discovery, methods, and social thought imposes a new vision in these matters. The drain upon the Federal Treasury is comparatively small. The results both economic and moral are of the utmost importance.

*General*

It is my belief that after the passing of this depression, when we can examine it in retrospect, we shall need to consider a number of other questions as to what action may be taken by the Government to remove possible governmental influences which make for instability and to better organize mitigation of the effect of depression. It is as yet too soon to constructively formulate such measures.

There are many administrative subjects, such as departmental reorganization, extension of the civil service, readjustment of the postal rates, etc., which at some appropriate time require the attention of the Congress.

*Foreign Relations*

Our relations with foreign countries have been maintained upon a high basis of cordiality and good will.

During the past year the London naval pact was completed, approved by the Senate, and ratified by the governments concerned. By this treaty we have abolished competition in the building of warships, have established the basis of parity of the United States with the strongest of foreign powers, and have accomplished a substantial reduction in war vessels.

During the year there has been an extended political unrest in the world. Asia continues in disturbed condition, and revolutions have taken place in Brazil, Argentina, Peru, and Bolivia. Despite the jeopardy to our citizens and their property which naturally arises in such circumstances, we have, with the cooperation of the governments concerned, been able to meet all such instances without friction.

We have resumed normal relations with the new Governments of Brazil, Argentina, Peru, and Bolivia immediately upon evidence that they were able to give protection to our citizens and their property, and that they recognized their international obligations.

A commission which was supported by the Congress has completed its investigation and reported upon our future policies in respect to Haiti and proved of high value in securing the acceptance of these policies. An election has been held and a new government established. We have replaced our high commissioner by a minister and have begun the gradual withdrawal of our activities with view to complete retirement at the expiration of the present treaty in 1935.

A number of arbitration and conciliation treaties have been completed or negotiated during the year, and will be presented for approval by the Senate.

I shall, in a special message, lay before the Senate the protocols covering the statutes of the World Court which have been revised to accord with the sense of previous Senate reservations.

## *The Budget Estimates for 1932*

### Extract from President Hoover's Message to Congress Transmitting the Budget for 1932

#### *To the Congress of the United States:*

I have the honor to transmit herewith the Budget of the United States for the fiscal year ending June 30, 1932. A comparison between the estimates of appropriations for 1932 and the appropriations for 1931 is set forth in the following table:

	Estimates, 1932	Approp., 1931 <sup>1</sup>
<i>Legislative establishment:</i>		
Senate .....	\$3,252,522.00	\$3,244,744.00
House of Rep.....	8,182,298.00	8,176,754.00
Architect of Capitol.....	10,336,609.00	8,472,417.58
Botanic Garden .....	175,082.00	194,560.00
Library of Congress.....	2,457,722.00	3,767,742.00
Gov. Printing Office.....	4,294,000.00	3,270,000.00
Miscellaneous .....	185,050.00	185,050.00
 Total.....	 <hr/> \$28,883,283.00	 <hr/> \$27,311,267.58
 <i>Executive Office.....</i>	 <hr/> \$473,400.00	 <hr/> \$422,320.00
<i>Independent establishments:</i>		
Alaska relief funds.....	15,000.00	15,000.00
Amer. Battle Mon. Commn.	304,250.00	1,000,000.00
Arling'n. Mem. Brdg. Comm.	1,000,000.00	1,000,000.00
Board of Mediation.....	318,545.00	328,380.00
Board of Tax Appeals.....	654,460.00	650,000.00
Bureau of Efficiency.....	201,470.00	224,330.00
Civil Service Comm.....	1,678,442.00	1,542,952.00
Comm. of Fine Arts.....	9,995.00	9,080.00
Employees' Comp. Comm.	4,736,380.00	4,210,000.00
Fed. Bd. for Voc. Educ.....	10,087,260.00	9,400,400.00
Federal Farm Board.....	101,900,000.00	1,900,000.00
Fed. Oil Conserv. Board.....	20,000.00	17,220.00
Federal Power Comm.....	319,270.00	299,170.00
Federal Radio Comm.....	466,820.00	450,000.00
Federal Reserve Board.....	1,609,200.00	2,560,336.00
Federal Trade Commission	1,625,986.00	1,580,000.00
General Accounting Office.....	4,363,320.00	4,193,500.00
Geo. Rog. Clark Ses. Comm.	800,000.00	.....
Geo. Wash. Bicent. Comm...	338,195.00	362,075.00
Housing Corp. .....	33,700.00	48,950.00
Civil-service retirements.....	.....	150,000.00
Interstate Com. Comm.....	11,975,593.00	10,329,963.00
Investig. of enforcement of prohib. and other laws..	.....	250,000.00
Mt. Rushm. Nat. Mem. Comm.	.....	60,000.00
Nat. Adv. Comm. for Aeronautics.....	1,053,790.00	1,321,000.00
Nat. Cap. Park. Plan. Comm.	4,000,000.00	1,000,000.00
Personnel Classifi. Bd.....	\$220,830.00	.....
P. R. Hurr. Relief Comm...	2,000,000.00	\$2,000,000.00
Protecting interests of U. S. in oil leases and oil lands	20,000.00	.....
Public Bldgs. and Public Parks of Nat. Cap.....	5,595,685.00	4,289,044.00

<sup>1</sup>Exclusive of the annual cost of the act approved July 3, 1930, amending the classification act of 1923 estimated at \$3,975,292.

	Estimates, 1932	Approp., 1931
<i>Indep. establishments—Cont'd</i>		
Public Bldgs. Comm.....	125,000.00	100,000.00
Smithsonian Instit.....	1,212,924.00	1,208,671.00
Supreme Court Bldg. Comm.	4,250,000.00	1,000,000.00
Tariff Comm.....	1,240,000.00	785,000.00
U. S. Geographic Board...	9,538.00	15,760.00
U. S. Shipping Bd. and Merchant Fleet Corp.....	39,406,000.00	6,346,000.00
Veterans' Adminin.....	946,289,758.00	*836,244,020.00
Yorktown Sesquicent. Comm. ....	.....	8,000.00
 Total, Exec. Office & independent establish. ....	 <hr/> \$1,148,354,811.00	 <hr/> \$895,321,171.00
 <i>Dept. of Agriculture.....</i>	 <hr/> \$225,537,476.00	 <hr/> \$173,145,474.00
Dept. of Commerce.....	54,638,226.00	54,619,485.00
Dept. of Interior.....	85,345,211.73	83,875,323.74
Dept. of Justice.....	51,988,261.00	*45,395,922.00
Dept. of Labor.....	13,446,400.00	12,230,170.00
Navy Dept. ....	349,628,298.00	382,505,193.26
Post Office Dept. :		
Postal Service payable from postal revenues .....	735,003,057.00	725,844,097.00
Postal deficiency payable from Treasury .....	114,041,000.00	111,202,200.00
State Dept. ....	17,731,306.34	17,816,022.14
Treasury Dept. ....	281,296,380.00	359,638,676.00
War Dept., inc. Panama Canal	464,645,806.00	456,041,951.00
District of Columbia.....	47,796,047.00	48,397,432.00
 Total, ordinary, including Postal Service .....	 <hr/> \$3,618,335,563.07	 <hr/> \$3,393,344,355.22
 <i>Reduc. in prin. of public debt:</i>		
Sinking fund .....	\$409,410,600.00	\$392,152,200.00
Other redemp. of debt.....	59,099,305.00	48,846,000.00
 Principle of public debt....	 <hr/> \$468,509,905.00	 <hr/> \$440,998,200.00
Interest on public debt.....	581,000,000.00	503,000,000.00
 Total, inc. Post Office Dept. and Postal Service	 <hr/> \$4,667,845,468.07	 <hr/> \$4,437,342,585.22
Deduct Postal Service payable from postal revenues.....	735,003,057.00	725,844,097.00
 Total pay. from Treas...	 <hr/> \$3,932,842,411.07	 <hr/> \$3,711,498,488.22

\*Figures for 1931 include the appropriations transferred under the act of July 3, 1930, from the Interior Department (pensions) and the War Department (National Homes for Disabled Volunteer Soldiers).

<sup>1</sup>Figures for 1931 include appropriations transferred under the acts of May 27, 1930, and June 17, 1930, from the Treasury Department (Prohibition Bureau and the United States Customs Court).

The total of the estimates of appropriations payable from the Treasury shown in the foregoing table is \$221,000,000 more than the appropriations for 1931. The estimates for 1932, however, contain \$100,000,000 for the revolving loan fund of the Federal Farm Board for which no amount appears in the 1931 appropriations. Of other large items of increase the Veterans' Administration calls for \$110,000,000, the Shipping Board \$35,000,000, the road program \$51,500,000, while tax repayments are estimated at \$92,000,000 less.

#### *Receipts and Expenditures for 1932*

In preparing the detailed statements of receipts and expenditures contained in this Budget I have segregated trust funds from general funds and special funds. This has been done for the reason that trust funds do not belong to the Federal Government but to the beneficiaries of the trusts; and, in summarizing the financial condition of the Government, trust funds should therefore be excluded.

For the purpose of comparison with the estimates contained in the Budget for the fiscal year 1931, submitted last December, trust funds are included in the following summary of receipts and expenditures:

SUMMARY OF RECEIPTS AND EXPENDITURES			
[Exclusive of postal revenues and postal expenditures paid from postal revenues]			
	1932	1931	1930
Total general fund receipts.....	\$3,852,401,738.00	\$3,411,634,571.00	\$3,540,921,014.36
Total special fund receipts.....	105,317,743.00	94,145,572.00	307,630,566.96
Green trust fund receipts.....	5,955,710,231.00	5,765,178,442.00	4,945,560,511.24
	381,054,371.00	353,846,368.00	331,410,918.66
Deduct transfers from gen. to trust funds.....	4,316,750,652.00	4,050,626,651.00	4,900,971,500.00
Total net receipts.....	100,685,119,247.00	83,824,468,243.00	4,177,941,701.31
Total general fund exp.....	3,192,382,700.00	3,761,149,100.00	3,641,944,363.81
Total special fund exp.....	132,651,300.00	132,635,000.00	126,185,655.00
Total green trust fund exp.....	3,825,034,000.00	3,884,174,100.00	3,862,080,019.80
	381,118,925.00	354,297,388.00	354,162,386.20
Deduct transfers from gen. to trust funds.....	4,286,152,255.00	4,239,701,300.00	4,216,182,286.00
Total net exp.....	4,054,519,300.00	4,914,941,900.00	1,994,152,487.00
Excess of receipts.....	30,600,127.00	183,789,214.00	
Excess of exp.....	180,076,657.00	180,076,657.00	

Since the Budget for 1931 was compiled before the segregation of funds was effected the estimates contained in that Budget do not show this segregation. In analyzing the differences between the present situation and that indicated in the Budget for 1931 it is therefore necessary to deal with totals including trust funds, although in the future it is contemplated to consider in such comparisons only general and special funds which represent true Government transactions.

Estimated in this Budget	Estimated in 1931 Budget	Actual	Estimated in 1930 Budget
Bal. ....	\$3,824,865,245.00	\$4,225,727,660.00	\$4,177,941,701.00
Exp. ....	4,014,941,900.00	4,102,182,700.00	3,994,152,487.00
Bal. ....	132,758,060.00	183,789,214.00	225,581,534.00
Defic. ....	180,076,657.00	180,076,657.00	

#### 1930

The fiscal year 1930 closed with an actual surplus of receipts over expenditures of \$183,789,214.90 as against an estimated surplus as contained in the Budget for 1931 of \$225,581,534. The latter figure, however, did not reflect the effect of the temporary reduction in income taxes recommended in that Budget and which it was estimated would exceed \$80,000,000 during the fiscal year 1930. As a matter of fact, the actual receipts during the fiscal year 1930 were about \$71,000,000 less than the esti-

mate contained in the 1931 Budget. This was partially offset by a net reduction in expenditures of \$29,500,000 below those estimated in the 1931 Budget. This net reduction consisted of various increases and decreases, including about \$74,000,000 decrease in the reduction of the public debt on account of certain foreign interest payments being made in cash instead of in securities as had been anticipated.

#### 1931

For the current fiscal year, 1931, there has been a material change in our financial situation as now estimated compared with the estimates presented a year ago in the 1931 Budget. At that time it was estimated that the receipts would total \$4,225,727,666 and the expenditures \$4,102,938,700, which forecasted a surplus of \$122,788,966. Here again the surplus estimated did not reflect the effect of the temporary tax reduction recommended in that Budget which it was anticipated would cause a reduction of over \$75,000,000 in the receipts for the fiscal year 1931. Therefore, with this adjustment the surplus estimated at this time last year would have been about \$45,000,000.

Due to the depression it is now estimated that the income of the Government in taxes and in postal receipts for the current fiscal year will probably fall below the anticipation by over \$430,000,000. Moreover, the measures taken to increase employment by the expansion of construction activities in the Government under the authorization of Congress, together with other items of increase, including the increase in veterans' services enacted by Congress, represent a very material increase in Government expenditures of over \$225,000,000.

This would indicate a change in the situation from the estimates of the last Budget of nearly \$655,000,000. This large sum, however, is partially met by the application of \$185,000,000 of interest payments on the foreign debt to current expenditures and by arrangements of the Federal Farm Board by which they reduced their net cash demands upon the Treasury by \$100,000,000 during this period. These sums, together with economies brought about in the Government, reduce the practical effect of the change in the financial situation to a present estimated deficit of approximately \$180,000,000 for the current fiscal year.

This development, of course, is primarily due to the depressed condition not only in this country but in the whole world, accentuated by the drought, and, on the other hand, to the necessary measures of the Government to increase employment, and the increases of allowances to various services to veterans.

I do not look with favor on any attempts to meet this deficit by reduction of the statutory redemption of the public debt, which now amounts to about \$440,000,000 per annum. Nor do I look with great concern upon this moderate deficit for the current fiscal year, which, in fact, amounts to less than 5 per cent of the total Government expenditure. The adverse balance can be met by reducing the general fund balance from the amount in it at the beginning of the year, supplemented, if necessary, by temporary borrowing by the Treasury. When we recollect that our Budget has yielded large surpluses for the last 11 years, which have enabled us to retire the public debt, in addition to retirements required by law, to the extent of nearly \$3,500,000,000, we can confidently look forward to the restoration of such surpluses with the general recovery of the economic situation, and thus the absorption of any temporary borrowing that may be necessary.

It will probably be necessary for Congress to appropriate additional money for expenditure within the present fiscal year in order to increase employment and to provide for the drought situation. I have presented this matter in my annual message on the state of the Union. While this will operate to increase the amount of the deficit as above estimated, I believe such increase can be accommodated by the methods indicated. On the other hand, no appropriations should be made for such purposes which look beyond such action as will ameliorate the immediate situation during the next six months.

#### *Taxes*

The estimate of receipts for 1932 is predicated on the existing income tax law. The Congress granted a substantial reduction in tax rates upon incomes of the calendar year 1929. I wish that it were possible to continue this reduction for the taxes upon incomes of the calendar year 1930. I regret that the present outlook for heavy decrease in payable income and the necessity to increase public works and aid to employment does not warrant the continuation of the reduction at the present time. The difference in revenue between the tax rates upon incomes authorized for the calendar year 1929 by the joint resolution approved December 16, 1929, and the rates specified in the revenue act of 1928 is approximately \$160,000,000. If our expected revenues for 1932 were reduced by this amount a deficit for 1932 as well as 1931 would now appear to be inevitable. I am confident that the sentiment of the people is in favor of a balanced Budget. I am equally confident that the influence on business of having the financial affairs of the Federal Government on a sound basis is of the utmost importance.

#### *Conclusion*

For the fiscal year 1932 the favorable margin between our estimated receipts and estimated expenditures is small. It will not take much to exhaust the expected surplus. In fact, it is inevitable that some portion, and perhaps a considerable portion, of it will be required to meet the settlement of judgments and claims and the cost of other contingencies or emergencies which cannot now be foreseen. On the receipt side credit has been taken for all revenue that can reasonably be anticipated. In the expenditure statement there have been covered the amounts which reasonably can be estimated as necessary to meet the obligations of the Government under present law. This is not a time when we can afford to embark upon any new or enlarged ventures of Government. It will tax our every resource to expand in directions providing employment during the next few months upon already authorized projects. I realize that, naturally, there will be before the Congress this session many legislative matters involving additions to our estimated expenditures for 1932, and the plea of unemployment will be advanced as reasons for many new ventures, but no reasonable view of the outlook warrants such pleas as apply to expenditures in the 1932 Budget. I have full faith that in acting upon these matters the Congress will give due consideration to our financial outlook. I am satisfied that in the absence of further legislation imposing any considerable burden upon our 1932 finances we can close that year with a balanced Budget.

When we stop to consider that we are progressively amortizing our public debt, and that a balanced Budget is being presented for 1932, even after drastic writing down of expected revenue, I believe it will be agreed that our Government finances are in a sound condition.

### **The Outlook for the Short Session**

*Continued from page 290*

the majority may fix a limit to the consideration of a piece of legislation and set a definite hour for a vote, this cannot be done in the Senate without unanimous consent.

By its rules permitting unlimited debate the Senate permits a Senator to speak, without yielding the floor, as long as his physical endurance lasts. If several other Senators are engaged with him in deliberately obstructing a measure, or "filibustering" against it, as such obstruction is termed, the Senator having the floor may yield it to one of his supporters. Thus a filibuster may be continued for many days.

#### *Night Sessions vs. Filibusters*

In order to put off the time for reaching a final vote on a measure a Senator may talk at length on the measure immediately preceding it. Or he may discuss at length Presidential nominations, sent to the Senate for confirmation.

The principal weapon used by a majority of the Senate against a determined filibuster is the night session. If a sufficient number of Senators are willing to remain on hand and insure a quorum they can, by night sessions, sometimes wear down the opposition and force a vote.

#### *Prospects in the Present Session*

With the present division in the Senate, the ability of the western Republican insurgents to obstruct legislation to the point of forcing an extra session would seem to rest on their ability to gain support from the Democratic side of the Senate. If a majority of the Democrats desire an extra session it will be a simple matter to force one.

If, on the other hand, the Democratic party leaders in Congress should decide that they do not want an extra session, they can, by joining with the Republicans, cast a majority vote of the Senate in favor of night sessions and refrain, themselves, from participating in any purely obstructive tactics.

This coalition would force the insurgent Republicans to rely upon a comparatively small group of Senators, not only to take the responsibility before the country of forcing an extra session, but also to assume the burden of carrying on actual filibustering tactics on the floor of the Senate in the face of an overwhelming majority of their fellow Senators as represented by the combined forces of the regular Republicans and the regular Democrats.

## Status of Public Questions Before Congress

Arranged Alphabetically

*Announcing a New Department in The Congressional Digest*

**Note:** During the months when Congress is in session, all action on public measures by both the House and Senate will be reported in this department by subjects listed alphabetically. Only those subjects having action during the month will be listed. At the close of the present Congress, in the April number, a complete review of the work of Congress—all sessions—will be given in the same form. This department succeeds our previous Day by Day Digest of the *Congressional Record*. The same information will be given but under the arrangement by subject rather than chronologically, which will enable the reader to trace more readily the progress of legislation.—*The Editors.*

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### This Month: List of Controversial Issues Presented in Previous Numbers of the Congressional Digest

With Review of Action Taken by Congress to Date

Agricultural Relief	Mississippi Flood Control
Boulder Dam Project	Movies (Regulation of)
Capital of the United States	Muscle Shoals
Capital Punishment	Nicaragua Controversy
Censorship of Foreign Books	Outlawry of War
Changing Sessions of Congress, etc.	Philippine Independence
China and the U. S.	"Pocket" Veto
Cloture in the U. S. Senate	Prohibition (1930)
Coal Problem	Radio
Congress and the Chain Store	Railroad Consolidation
Copyright Reform	Reapportionment (Congressional)
Federal Department of Aeronautics	St. Lawrence vs. New York Shipway
Freedom of the Seas	Tariff Law (Making a)
German Reparations	Tax Question
Immigration Problem—Western Hemisphere	Third Term Controversy
Inland Waterways	Thirteen Month Year
London Naval Treaty	Uniform Marriage and Divorce Law
Lobby Problem	U. S. Jury System (Changes)
Merchant Marine Act—1928	Women's Equal Rights Amendment
Metric System (Should U. S. Adopt?)	World Court (Proposed Entry, 1926)

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#### Agricultural Relief

##### Federal Farm Board

On June 15, 1930, President Hoover approved the McNary-Haugen Federal Farm Board Bill (H. R. 1; S. 1; Public Law, No. 10) which was the first measure to be considered by the Seventy-first Congress in the extra session which began in April, 1929.

Under the provision of this Act the Federal Farm Board was created. It is composed of five members, appointed by the President and confirmed by the Senate. The Board is charged with the duty of promoting the practices of cooperative marketing by aiding existing cooperatives and encouraging the organization and development of others. The Act creating the Board carried an appropriation of \$500,000,000 to constitute a revolving fund from which the Board is authorized to make loans to cooperatives for storage and other purposes, to prevent

surpluses of farm products "from unduly depressing prices" for farm commodities.

In its forthcoming first annual report the Federal Farm Board will make recommendations to Congress concerning its needs, whether in the matter of changes in the law to effect improvement of administrative features, or for further appropriations to carry on its work.

##### Debenture Plan

The so called Export Debenture Plan for agricultural relief was put forward by its advocates, most prominent of which was the National Grange, when Congress began consideration of the farm relief bill during the extra session of the Seventy-first Congress in April, 1929.

Under this plan certificates would be issued by the Secretary of the Treasury to any exporter of an agricultural commodity. These certificates would be transferable and could be used at face value for the payment of customs duties on any imported commodity. The amount of the

debenture allowed per unit of the commodity would be a fixed percentage of the tariff duty on that commodity.

President Hoover announced his opposition to this plan and after debate, it was voted down in both Houses when offered as part of the McNary-Haugen bill of 1929, which later became known as the Farm Board bill because, it provided for the present Federal Farm Board.

The debenture plan was later offered as an amendment to the Tariff Bill which Congress began considering in the extra session of 1929 but was again voted down.

Friends of the debenture plan in Congress have intimated that they may offer it again at this session but as the Digest goes to press definite plans to that effect have not been announced.

A full discussion of the debenture plan is contained in the Congressional Digest for May, 1929.

#### *Equalization Fees*

The Equalization Fee plan was contained in the McNary-Haugen Bill of 1928, known generally as the Surplus Control Act. This plan was put forward principally by the American Farm Bureau Federation. The equalization fee would be a charge collected on each unit of a commodity to go into a general fund to protect the farmer from losses in disposing of surplus products.

The Surplus Control Act was passed on May 3, 1928 and was vetoed by President Coolidge on the ground that the equalization fee was price fixing and therefore unsound. The Senate sustained the President's veto.

A full discussion of the Equalization Fee plan is contained in the Congressional Digest for June, 1928.

#### *Cooperative Marketing*

Cooperative Marketing is provided for in the existing law under which the Federal Farm Board was established. A discussion of its various phases is contained in the Digest for May, 1924 and October, 1925.

#### *Boulder Dam Project*

After being before Congress for many years the Boulder Dam bill was finally passed in December, 1928. Its main objects were to protect inhabitants of the Imperial Valley against floods of the Colorado River and to store water for irrigation and water power projects. The authorized project for building the necessary dams and works is \$165,000,000. The Reclamation Service of the Department of the Interior is charged with the supervision of the development of the project.

For the fiscal year ending June 30, 1931, Congress made a preliminary appropriation of \$10,660,000. Under this appropriation the Reclamation Service has been drawing up and advertising bids for various phases of the initial work on the project. It is estimated that Congress will be asked to appropriate approximately \$15,000,000 for the next fiscal year.

#### *Capital of the United States*

##### *Public Buildings*

For many years efforts have been made to beautify the city of Washington, in keeping with its place of distinction as the capital of the greatest nation in the world. These efforts crystallized about five years ago when Congress finally agreed to a 50 million dollar building program. A bill authorizing such an amount for federal buildings and lands in the District of Columbia was approved on May 25, 1926. Since then the sum has been steadily increased,

climaxed this year on March 31, 1920, when the Keyes-Elliott Bill, authorizing 115 millions was added to the amount which in all now totals 190 millions. Of this amount approximately 58 millions have been appropriated. It is understood that a substantial request for further appropriation of their authorized fund will be made this year of Congress to increase employment facilities in the District. Note the President's Recommendations and the Budget Message elsewhere in this number.

#### *Other Measures*

A number of other legislative measures which affect the government of the District of Columbia have long been before Congress.

For many years the fiscal relations between the Federal Government and the District of Columbia were on a fifty-fifty basis. In 1922 Congress changed this so that the District should pay 60 per cent and the Federal Government 40 per cent. In 1924 an amendment to the annual District appropriation bill provided that in lieu of 40 per cent Congress should each pay a fixed sum as its share.

This arrangement has been a controversial point ever since, and in the present Congress three House measures and one Senate resolution, S. Res. 200, have been offered authorizing the appointment of a commission to inquire into the proposed changes of these fiscal relations. The House resolutions are H. Res. 285, and the House bills are H. R. 27 and H. R. 11194.

To permit the citizens of the District of Columbia to vote for President and Vice-President and to have representation in Congress would require an amendment to the Constitution of the United States, which now provides that Congress shall exercise exclusive jurisdiction over the District. This change would be equivalent to granting Statehood to the District of Columbia, which is now designated by the Constitution as a District. A resolution to so amend the Constitution is now pending in the House, H. J. Res. 64, and one in the Senate, S. J. Res. 43.

#### *Capital Punishment*

In the September, 1927 number of *The Congressional Digest*, the powers and limitations of Congress to deal with crime punishment were set forth. Briefly, federal jurisdiction in this matter extends to all federal territories and possessions, to all waters within the maritime jurisdiction of the United States, to the United States Army and Navy and to certain consular courts. These laws are contained in:

1. The U. S. Code of 1926 (Criminal Code revised).
2. Articles of War (Revised Statutes of 1920).
3. Articles for the Government of the Navy (Revised 1923).
4. Code for the District of Columbia, amended 1925.
5. In the U. S. Possessions, the criminal codes are included in the laws of each territory, subject to the supreme legislative authority of the United States Congress. Capital punishment prevails in all of these except the Virgin Islands.

No changes in the laws as given above have been made subsequent to the dates of revision. Repeated efforts have been made in Congress to amend the District of Columbia code to abolish capital punishment. In the present Congress, such a bill, H. R. 113, was introduced on April 15, 1929 by Mr. Kvale of Minn. On January 15, 1930, it was referred by the House Committee on the District of Columbia to its sub-committee on the Judiciary.

No further action was taken. In the Senate a similar bill, S. 410, was introduced on April 22, 1929, by Senator Schall of Minnesota and referred to the Senate Committee on the District of Columbia without further action.

#### *Censorship of Foreign Books*

The question of whether or not official censorship of books is desirable was fully discussed pro and con in the February, 1930 number of *The Congressional Digest*. In 1842, the first law giving customs clerks the right of censorship was passed by Congress, providing: "That the importation of all indecent and obscene prints, paintings, lithographs, engravings, and transparencies is hereby prohibited" and in 1873, the first law was passed forbidding the transportation in the mails of obscene books, envelopes, post cards, or articles designed to prevent conception, etc.

Since then the law has been changed in slight degree but not until this Congress was a definite step taken to permit the entry of all literature except that "urging forcible resistance to any laws of the United States, or containing any threat to take the life, or inflict bodily harm to any person in the United States." On October 11, 1929, such an amendment, introduced by Senator Cutting of New Mexico, was incorporated in the then pending Tariff Bill by vote of the Senate. Considerable debate on censorship ensued during the following months that the tariff bill was under consideration and when it was finally passed, the Cutting amendment was retained though modified. The law on this point now reads as follows:

*"Sec. 305. Immoral Articles—Importation Prohibited".*

(a) *Prohibition of importation:* All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

"Upon the appearance of any such book or matter at any customs office the same shall be seized and held by

the collector to await the judgment of the district court as hereinafter provided, and no protest shall be taken to the United States Customs Court from the decision of the collector. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

"In any such proceedings any party in interest may upon demand have the facts at issue determined by a jury, and any party may have an appeal or the right of review as in the case of ordinary actions or suits."

#### *Changing Dates of Inauguration of President and Meetings of Congress*

Ever since 1798, when the Third Congress was sitting, various efforts have been made from time to time to change the date of the convening and ending of the sessions of Congress. Since 1876 efforts have been made to change the date of the inauguration of the President. In some instances the demand for the changes have been due to a desire to have these occasions occur at periods of the year when weather would be more agreeable. Several efforts have been made to set April 30 as the date of the Presidential inauguration to conform with the date on which George Washington was inaugurated as the first President.

In recent years, however, the object of the efforts has been to have the Congress and the President assume their duties more promptly after elections than at present. Since 1921, when Senator Henry F. Ashurst of Arizona, introduced a resolution to this effect, one or more resolutions have been continually before Congress.

The most recent is the resolution of Senator George W. Norris of Nebraska. This resolution in one form or another has passed the Senate three times, once in 1924, once in 1926 and again on June 7, 1929.

The present Norris Resolution (S. J. Res. 3) was referred to the House Committee on the Election of President, Vice President and Representatives in Congress. That committee substituted a similar resolution by Representative Gifford of Massachusetts (H. J. Res. 292) which was placed on the House Calendar.

The Norris-Gifford resolution, popularly known as "The Lame Duck" resolution provides for an amendment to the Constitution of the United States providing that the Senate and House meet on the first Monday in January following the election year and that the President shall be inaugurated on January 24 of the year following the election. A Constitutional amendment is necessary since the change would involve changing the length of the terms of Senators, Representatives, the President and the Vice President during a transition period between the proposed changes in dates.

A full discussion of the Norris resolution is contained in the *Congressional Digest* for September, 1926.

### *China and the United States*

Negotiations between the Governments of the United States and China looking toward the entry into a treaty, under the terms of which the extraterritorialities problem will be solved, have proceeded to the point where the Department of State has delivered to the Chinese minister at Washington a statement of its views on the subject, for transmission to the Chinese Government. These negotiations are not expected to culminate in the near future but it is expected that eventually a treaty covering extraterritorialities will be negotiated and sent to the Senate for ratification.

The commercial treaty between the United States and China does not expire until 1933. Suggestions have come from Chinese sources that a request may be made for a loan from America, but so far no official request has been made.

A full discussion of the Chinese problem is contained in the May, 1927, number of *THE CONGRESSIONAL DIGEST*.

### *Closure*

The controversy over a cloture rule applies to the United States Senate only, as the House under its Rule XVII can limit debate by a majority vote (if a quorum be present). In the Senate, a motion to close debate must be first signed by 16 Senators and then passed by a two-thirds vote of the Senate (with a quorum present). (Amendment to Rule XXII adopted March 8, 1917.)

On May 4, 1918, Senator Underwood of Alabama, D., introduced a resolution to limit debate in the Senate during the war period, which, after considerable discussion, was rejected by the Senate on June 13, 1918. On March 5, 1925, in his inaugural address to the Senate, Vice-President Charles S. Dawes recommended that debate in the Senate be further limited. The following day Senator Underwood again introduced a Cloture Resolution, S. Res. 3, which embodied the Vice-President recommendations. This was followed by others similar in character, but none succeeded in receiving the support of the Senate.

Interest in the question subsided with the expiration of Vice-President Dawes' term of office, and no active efforts have been made to limit debate in the Senate. The question is most frequently raised during or following an outstanding case of filibustering. A chronology of such cases is found in the November, 1926, number of *THE CONGRESSIONAL DIGEST* dealing with this question.

### *Coal Problem*

In the previous Congress Senator Hiram Johnson of California introduced a resolution for an investigation of general conditions in the bituminous coal industry with a view to proposing legislation to correct existing conditions. The resolution was adopted by the Senate on February 16, 1928 and a sub-committee of the Committee on Interstate Commerce was appointed to investigate conditions in the coal mines of Ohio, Pennsylvania and West Virginia. Following this investigation, Senator James A. Watson of Indiana introduced a bill providing for the creation of a Federal Coal Commission to regulate the industry. This bill was reported by the committee on May 18, 1928, but was never brought to a vote. It was reintroduced by Senator Watson in the Present Congress (S. 2888) and is now before the Committee on Interstate Commerce.

A full discussion of Congress and the coal industry was contained in *The Congressional Digest* for November, 1925.

### *Congress and the Chain Store*

On May 5, 1928, the Senate passed a resolution introduced by Senator Brookhart of Iowa, directing the Federal Trade Commission to undertake an inquiry into the chain store systems to determine the extent to which any of those systems had effected consolidations in violation of the anti-trust laws; the extent to which any such consolidations are susceptible to regulation under the Federal Trade Commission Act and what legislation, if any, should be enacted for the purpose of regulating and controlling chain store distribution.

The inquiry was undertaken by the Federal Trade Commission, but owing to pressure of work, the Commission's investigators did not take up actual work on the chain store problem until the early part of 1929. Announcements have been made from time to time of the progress of the work but so far no definite report or recommendations have been made to Congress.

It is anticipated that the Commission will send data and, perhaps recommendations, to Congress during the forthcoming short session.

In the meantime, H. R. 11, introduced by Representative Clyde Kelly, of Pennsylvania, known as the Kelly Fair Trade Bill, designed "to protect trade-mark owners, distributors and the public against injurious and uneconomic distribution of articles of standard quality under a distinguishing trade-mark, brand or name" was reported from the House Committee on Interstate and Foreign Commerce on January 27, 1930, and is on the House Calendar awaiting action.

H. R. 10122, introduced by Representative Marvin Jones of Texas, designed to make chain stores amenable to the anti-monopoly laws of states in which they operate, whether they are engaged in interstate commerce or not, is before the House Committee on the Judiciary.

A full discussion of the Chain Store problem is contained in the 1930 September number of *The Congressional Digest*.

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### *Copyright Changes* (See page 293 this number)

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### *Federal Department of Aeronautics*

For some time following the end of the World War various measures were introduced in Congress for the creation of a Federal Department of Aeronautics which would have control of the air services of the Army and the Navy and of all regulation of postal and commercial air activities. So strong was the opposition to this on the part of the Army and Navy and other interests that it was dropped. A full discussion of the advantages and disadvantages of a Federal Department of Aeronautics is contained in *The CONGRESSIONAL DIGEST* for April, 1925.

### *Freedom of the Seas*

Modern discussion of the question of the rights of neutrals to carry on uninterrupted sea borne commerce during war time began immediately after the end of the

World War while the Paris Peace Conference was meeting.

President Woodrow Wilson included the question in his famous Fourteen Points which were suggested by him as covering questions that should be settled under the terms of the pending treaty. It was at this time that the phrase "Freedom of the Seas" first became prominent, as indicating the rights of neutrals as applied to their sea borne commerce.

The general question of neutral rights was left unsettled by the Versailles Treaty nor has there been any settlement of its since.

Boiled down to its essential elements the controversy is one involving a direct clash between the question of how far a belligerent nation may go in protecting itself against its enemies and the question of what demand a neutral nation may make of belligerent nations to let its commerce alone.

Through the experience of the years many international agreements regarding the rights of neutrals in war time have been reached, but they have not always been adhered to when war came.

When the World War broke out the two agreements generally accepted as covering the question were the Hague Conferences of 1899 and 1907 and the London Declaration of 1909. The London Declaration contained a specific list of articles which should be considered as contraband, that is, articles which neutrals would not be allowed to ship into belligerent territory during war time.

Shortly after the outbreak of the World War, however, Great Britain revised the list of contraband goods by increasing the number of articles. This, together with various other acts by belligerents resulted, in the opinion of many authorities on international law, in a virtual break down of the rules of maritime law in warfare.

It was this opinion which led Senator William E. Borah, Idaho, R., to introduce in the Senate, on February 21, 1928, a resolution, S. Res. 159 (70th Congress, 1st Session) calling for a restatement and recodification of these rules.

On January 24, 1928, Senator Borah, offered an amendment to the Naval Cruiser Bill, then pending in the Senate, calling for an international conference to revise existing sea laws. He withdrew the amendment and later, on February 21, reintroduced it in resolution form. The resolution was referred to the Committee on Foreign Relations.

No action was taken by the Committee and the resolution was not re-introduced in the present Congress.

The question of Freedom of the Seas did not have a place on the agenda of the London Naval Conference. See the January, 1930 number of the Congressional Digest for full discussion.

#### *German Reparations*

Except for American claims for the cost of the Army of Occupation, and mixed claims of American citizens against Germany, the United States has no official interest in German reparations. It has taken the attitude that reparation is essentially a European problem in which the New World has no concern. American policy toward reparation is derived from two sources: First, its traditional foreign policy of remaining aloof from the affairs of Europe; secondly, and what is probably more im-

portant, its refusal to recognize any connection between reparation on the one hand and the payment of war debts on the other.

However, owing to disagreements among European Powers as to the amount of reparations Germany should pay and the manner and method of making payment, unofficial suggestions were made in Europe in 1921 that the United States should assist in solving the problem.

The proposal of an experts' committee to study Germany's capacity to pay was first put forward by Secretary Hughes in a speech in December, 1922. It was not, however, until November of 1923 that the Allies could reconcile their conflicting interests and motives to the extent of acting upon the proposal. The Reparation Commission then established two committees as follows:

1. The Committee of Experts, appointed for the investigation of the German budget and German currency, met in Paris on January 14, 1924. Its membership was: Charles G. Dawes, Chairman, Owen D. Young, United States; Robert M. Kindersley, J. C. Stamp, England; J. Parmentier, Edgar Allix, France; Alberto Pirelli, Federico Flora, Italy; E. Francqui, and Maurice Houard, Belgium.

2. The second committee called to investigate the flight of German capital to foreign countries, met in Paris on January 21. Its members were: Reginald McKenna, Chairman, England; Henry M. Robinson, United States; Andre Laurent-Atthalin, France; Mario Alberti, Italy; and Albert E. Janssen, Belgium.

On April 9, 1924, the two committees simultaneously submitted their reports to the Reparation Commission. The report of the first committee was adopted as the basis for the settlement of the reparation impasse at the London Conference on August 16, 1924.

A record of Germany's reparation payments since 1924 was set forth by S. Parker Gilbert, Agent General for Reparation Payments, in the September, 1929 number of the Congressional Digest.

In 1927 Mr. Gilbert opened unofficial negotiations with the leading statesmen and financiers of Europe with a view to drawing up a new plan of reparations payments to take the place of the Dawes Plan.

On September 16, 1928 the representatives of Germany and the major creditor countries decided at Geneva to establish a new Committee of Experts to work out a complete and final settlement of the reparation problem. This Committee of Experts—of which Mr. Owen D. Young, one of the American members, was elected chairman—met at Paris from February 11 to June 7, 1929 and its reports became known as the "Young Plan."

On June 18, 1929, President Hoover made it clear that the United States was not a party to the Young agreement. He said:

"Our government is not a party to that agreement and therefore would not be a signatory to it. There is no occasion to submit the agreement to Congress. The only point for Congressional action is an authority to the Administration to reduce Germany's treaty obligations in respect to the comparatively minor items of army occupation costs and mixed claims."

In the effort to avoid even an appearance of participation in the collection of reparation, Secretary Stimson, on May 16, 1929 announced that the United States would not be a member of the Bank of International Settlements.

On August 6, 1929 representatives of England, France, Germany, Belgium, Italy and Japan met at The Hague to consider final action on the Young Plan.

On August 31, after a period of tense negotiations,

marked at times by bitterness, the conference reached an agreement on the distribution among the creditor nations of the reparations payments and fixed the date of the evacuation of the Rhineland as June 1, 1930.

The second session of the conference at The Hague, which was opened on January 3, 1930 and concluded its work on January 20, 1930, ended with the signing of fourteen agreements which are enumerated in the Final Act of the Conference and give a definite settlement to the outstanding questions concerning both German and Eastern European reparations.

The recommendations of the Young committee have been put in a form where their final adoption depends only upon ratification by the various national Parliaments. The modified Young plan is now called the "New Plan" in all official documents.

#### *Immigration Problem—Western Hemisphere*

For several years Congress has had before it measures to extend the immigration quota limitations to the countries of the Western Hemisphere. This issue became crystallized in Congress several years ago on account of the rapidly increasing immigration from Mexico and was the subject of extended hearings by Committees in both Houses in 1927 and 1928.

The object of these measures was to reduce immigration from Mexico but in order to reach the Mexican problem, without singling out Mexico, authors of these various measures made them applicable to countries of the Western Hemisphere, thus taking in Canada and all the Latin American countries.

Three difficulties presented themselves in handling the problem: first, the problem of working out the 2 per cent quotas the countries affected would be entitled to; second, the problem of Canada; third, the possible disruption of American industry and agriculture along the Mexican border.

Continued agitation of this question finally resulted in the passage by the Senate on April 17, 1930, of S. 1455, introduced by Senator Harris of Georgia, fixing a limitation on immigration from countries of the Western Hemisphere. This bill was referred to the House Committee on Immigration and Naturalization but has not been acted upon.

On March 13, 1930, the House Committee reported a bill H. R. 10343 by Representative Johnson of Washington, chairman of the Committee, amending S. 51. This bill is on the House calendar.

In the meantime, the Department of State, through diplomatic negotiations with the Mexican Government and by a rigid examination of applications for passports, has succeeded in greatly reducing Mexican immigration. A statement from the Department of State announces that only 300 Mexican immigrants came into the United States during the month of October, 1930.

The State Department is opposed to the passage of any legislation for the special regulation of Latin American immigration.

A full discussion of the problem of immigration from the countries of the Western Hemisphere is contained in *THE CONGRESSIONAL DIGEST* for May, 1928.

#### *Inland Waterways*

On July 3, 1930, the President approved H. R. 11781 (Public Law No. 520), the rivers and harbors bill,

authorizing the appropriation of \$140,000,000 for inland waterway improvements in various sections of the country. Whether any of the money authorized under the bill will be appropriated at the coming session depends upon the recommendations contained in the annual budget message.

A full discussion of inland waterways development was contained in the September, 1924, number of *THE CONGRESSIONAL DIGEST*.

#### *London Naval Treaty*

At a special session of the Senate called for the purpose of acting on the London Naval Treaty which was signed by the Three Powers, United States, Great Britain and Japan on April 22, 1930 at St. James Palace in London, the United States Senate voted its approval of the Treaty by official ratification on July 21, 1930.

On October 27, 1930 the United States, Great Britain and Japan formally deposited their respective notices of ratification at the Foreign Office in London. Because ratification by the Irish Free State has not yet been deposited by Great Britain, though it is expected at an early date, the Treaty has not yet been declared in force.

The London Naval Treaty which was covered by *THE CONGRESSIONAL DIGEST* in the June 1930 number represents the last official act of the United States on the long disputed question of naval disarmament.

Since the consummation of the treaty under which the United States is entitled to build up her navy requirements to the parity ratio agreed upon at London, agitation has developed on the part of disarmament advocates for a curtailment of the American Navy program. Their argument is that by keeping her Navy well below the limitation of the naval treaty the United States will be leading the world toward absolute disarmament and that such action will be a powerful argument to use in favor of disarmament among the other nations of the world.

Those opposed to this argument take the position that a defenseless America would be powerless to exert any influence whatever on those nations not involved in the London agreement who might seek to build their own navies to a point where they would be a menace to the peace of the world.

#### *Lobby Problem*

On April 22, 1929, Senator T. H. Caraway of Arkansas introduced in the Senate a bill S. 215 providing for the registration of lobbyists appearing before either branch of Congress. On the same day he introduced a resolution S. 20, providing for the appointment of a special committee of the Senate to investigate the activity of lobbyists in Washington. Both measures were referred to the Committee on the Judiciary.

The resolution for the appointment of a special committee was reported and on October 1, 1929, the Senate adopted it with an amendment providing that the proposed investigation should be made by a subcommittee of the Committee on the Judiciary instead of by a special committee.

On October 7 a subcommittee was appointed composed of Senator Caraway, Ark., D., chairman, and Senators Borah, Idaho, R., Robinson, Ind., R., Blaine, Wis., R., and Walsh, Mont. D. On October 15 the committee began

hearings and held them from time to time up to the adjournment of Congress on July 3, 1930.

Action on the bill to regulate lobbyists will not be considered until after the committee completes its hearings and makes a report.

A full discussion of the Caraway Lobby Bill is contained in December, 1929, number of *THE CONGRESSIONAL DIGEST*.

#### *Merchant Marine Act—1928*

Since the passage of the Jones-White Merchant Marine Act of 1928, amending and supplementing the Merchant Marine Act of 1920 and the Shipping Act of 1916, no merchant marine legislation covering policy has been passed by Congress. The Merchant Marine Act of 1928 increased the construction loan fund administered by the Shipping Board from \$125,000,000 to \$250,000,000. Out of this fund the Board makes loans for the construction of merchant ships, by American interests in American shipyards, at low interest and on long terms. The bill also authorized the Postmaster General to enter into ten-year contracts with American-flag lines for the carrying of mails.

No bills covering merchant marine policy matters are expected to be considered at the coming session of Congress. Several measures covering minor changes in administration of existing laws are before the House Committee on Merchant Marine and Fisheries and may receive consideration.

A full discussion of the development of the American Merchant Marine is contained in numbers of *THE CONGRESSIONAL DIGEST* for January, 1926, and June, 1928.

#### *Metric System, Should U. S. Adopt?*

As early as 1879, the first bill providing for the general adoption of the metric system in the United States was presented to Congress. In 1896, agitation for adoption again reached Congress and during the next seven years the Committees in Congress to which these bills were referred in every instance held extensive hearings followed by favorable reports to the House or Senate. However, no further action was taken. It was not until 1920 that the agitation was again revived and with similar results.

In 1925, Representative Britten of Illinois introduced his bill extending the use of metric weights and measures in merchandise and although hearings were held again, the bill died in Congress. No bills of this character have been introduced in either branch of the present Congress. The April 1926 number of *THE CONGRESSIONAL DIGEST* was devoted to a complete presentation of this question.

#### *Mississippi Flood Control*

On May 10, 1928, President Coolidge signed the Reid-Jones Flood Control Bill authorizing the expenditure of \$325,000,000 for improvements on the Mississippi River to prevent floods. An initial appropriation of \$25,000,000 was made for the first year. An appropriation of \$35,000,000 was made by Congress for the second year. Another appropriation of \$35,000,000 is due for the third year, the fiscal year of 1931.

Since work on the project began, many proposals have been made for changes in the original plan. The House Committee on Flood Control held extensive hearings on these proposed changes and the testimony resulted in the ordering of a resurvey of several phases of the project by the Army engineers. This survey has been completed and is expected to be presented to Congress in January 1931.

Members of the House from the States interested in the problem are expected to ask for additional appropriations during the coming session.

A full discussion of the problem of the Mississippi River Flood Control is contained in *THE CONGRESSIONAL DIGEST* for February 1928. The provisions of the Jones-Reid Bill, as finally passed, are contained in the *DIGEST* for June-July 1928.

#### *Movies (Federal Regulation of)*

Federal inquiry into the conduct of the motion picture industry dates back to August 30, 1921, when a group of motion-picture artists, who later organized under the name of United Artists, filed a complaint with the United States Federal Trade Commission against the Famous Players Corporation charging that their method of selling groups of pictures to exhibitors constituted a conspiracy.

Among the artists in this group were Douglas Fairbanks, Mary Pickford, Charles Chaplin and W. S. Hart. These complaints were amended from time to time and were the subjects of extensive hearings by the Federal Trade Commission with the final result that the Federal Trade Commission on July 9, 1927, issued an order against the Paramount Famous Lasky Corporation, Adolph Zukor and Jesse L. Lasky to cease and desist from (1) continuing a conspiracy among themselves or with other persons to lessen competition and restrain trade in interstate and foreign commerce in the production, distribution and exhibition of motion-picture; (2) the practice of block booking, that is, leasing films in blocks or groups and compelling picture houses exhibiting the films to accept all pictures in groups or blocks, or to receive none at all, without regard to the character of the pictures or the desires of the picture house managements; (3) acquiring or threatening to acquire theatres for the purpose of intimidating or coercing exhibitors of films to book and exhibit films of the Famous Players-Lasky Corporation.

In response to this order two reports of compliance were filed by the respondents. The reports of compliance regarding conspiracy and acquiring or threatening to acquire theatres were acceptable to the Commission, but the report on block booking was unsatisfactory with the result that the Federal Trade Commission filed a suit in the United States Circuit Court of Appeals of the Second Circuit in New York for the enforcement of its order. This suit is still pending.

On November 24, 1930, the Supreme Court of the United States rendered a decision in two cases in which ten of the largest motion picture distributors and thirty-two film boards of trade, said to distribute ninety-eight per cent of the country's motion picture films, were held guilty of violating the Sherman Anti-trust law. Suit was brought against these companies by the U. S. Department of Justice and the cases first tried in the U. S. District Court in New York, reached the U. S. Supreme Court on appeal from the decision of the lower court.

The Commission also had under consideration a complaint of unfair competition against five motion picture operators on the West coast of the United States, the

West Coast Theatres, Inc., being the principal respondents. The final hearing on this case was held on October 22, 1928, and an order was issued by the Commission against the operators. At this date an investigation is in process to ascertain if the order is being obeyed.

Efforts have been made for several years in Congress to secure legislation to regulate the movie industry. On December 13, 1927, Senator Smith W. Brookhart of Iowa introduced a bill "to prevent obstruction and burdens upon, interstate trade and commerce in copyrighted motion-picture films, and to prevent the restraint upon the free competition in the production, distribution, and exhibition of copyrighted motion picture films, and to prevent the further monopolization of the business of producing, distributing, and exhibiting copyrighted motion pictures, by prohibiting blind booking and block booking of copyrighted motion picture films and by prohibiting the arbitrary allocation of such films by distributors to theatres in which they or other distributors have an interest, direct or indirect, and by prohibiting the arbitrary refusal to book or sell such films to exhibitors in which they have no such interest."

The bill was reintroduced in the present Congress (S. 1003) and is now before the Senate Committee on Commerce. Senator Brookhart has announced that owing to recent developments he expects to make some changes in the bill when it comes up for consideration.

On the House side Representative Hudson of Michigan has introduced a similar measure (H. R. 9986) which goes further than the Brookhart bill in providing for the creation of a federal commission to supervise the entire motion picture industry. This bill is awaiting action in the House Committee on Interstate and Foreign Commerce and Mr. Hudson has announced that he will press for a hearing before the Committee at the coming short session.

The November, 1928 number of *The Congressional Digest* contained a complete discussion of this question.

#### *Muscle Shoals*

(See page 295 this number)

#### *Nicaragua Controversy*

Since 1912, when General Mena revolted against the Nicaraguan Government, the American Government has maintained a guard of United States Marines in Nicaragua. During the Mena revolution eight American warships, 125 Marine officers and 2600 enlisted men were sent to Nicaragua to protect the interests of Americans and foreigners.

After several changes in the Nicaraguan Government and after ratification of the General Treaty of Peace by the five Central American Governments in 1922, and the election of the Solorzano Government in Nicaragua in 1924, matters in Nicaragua quieted down.

In January, 1925, the United States Government gave notice that it would withdraw the Marines, 100 of which had been left as a legation guard. President Solorzano requested that the Marines remain during the establishment of the new Government and the organization of a national guard. In August, 1925, the Marine Guard was finally withdrawn. In October, Chamorro organized a revolt that resulted in forcing the resignation of Solorzano. The United States Government and the other Cen-

tral American Governments refused to recognize the Chamorro Government.

In May, 1926, a revolution broke out against the Chamorro Government and in August, at the request of the U. S. Secretary of State, the Navy Department sent a warship to Nicaragua to protect American interests.

After several changes the Nicaragua Congress designated Adolphe Diaz President. On November 15, 1926, Diaz requested the assistance of the United States to protect life and property. On November 17, the United States recognized Diaz as Constitutional President. In December, the Sacasa revolution broke out and set up Sacassa as President.

About this time, members of Congress undertook to express their approval or disapproval of the United States policy in Nicaragua. Resolutions were introduced in both House and Senate and the Committees of both branches held extensive hearings on the various resolutions referred to them. Finally on January 10, 1927, President Coolidge sent a special message to Congress, setting forth the Administration's Nicaraguan policy.

On February 28, 1927, the Senate Committee on Foreign Relations, of which Mr. Borah is chairman, reported out favorably the Borah resolution (S. Res. 366) "to investigate and study conditions and policies bearing on the relationships between the Central American countries, Mexico and the United States." On motion of Mr. Borah the resolution was referred to the Committee to Audit and Control Contingent Expenses. No further action was taken by the Senate.

On March 2, 1927, the House Foreign Affairs Committee reported out favorably the Fairchild resolution, H. Res. 357, upholding the President's policy in Nicaragua. No further action was taken by the House.

In 1928, President Coolidge, at the request of both political parties in Nicaragua, appointed American representatives to supervise the Presidential election. Both sides were satisfied with the results and the same supervision was requested and arranged for the legislative elections of November, 1930.

The number of marines in Nicaragua has now been reduced to 900. Whether they are to be withdrawn in the near future or left there indefinitely, has not been announced by the Administration.

A full discussion of the Nicaragua problem is contained in the April, 1927, number of *THE CONGRESSIONAL DIGEST*.

#### *Outlawry of War*

On January 15, 1929, the U. S. Senate ratified the famous Kellogg Peace Pact for the Outlawry of War which has likewise been officially accepted by 54 other nations of the world.

The movement to outlaw war, long advocated by Senator Borah of Idaho, chairman of the Foreign Relations Committee of the U. S. Senate, was fully presented, so far as it had developed at that time, in the March, 1928 number of *THE CONGRESSIONAL DIGEST* when negotiations were in progress between M. Briand of France, another advocate of the movement and Mr. Kellogg, the U. S. Secretary of State. These negotiations culminated in the Peace Pact which is virtually a gentlemen's agreement between the nations of the world to refrain from war.

#### *Philippine Independence*

On June 2, 1930, the Senate Committee on Territories

and Insular Affairs, reported S. 3822, providing for the independence of the Philippine Islands. This bill is known as the Hawes-Cutting Bill because it contains combined features of two bills, one introduced by Senator Hawes, Mo., D., and the other by Senator Cutting, N. Mex., R. The majority report from the committee was presented by Senator Hawes and a minority report was presented by Senator Bingham, Conn., R.

The general purposes of the bill, as described in the majority report, are to provide for the drafting of a constitution for a free and independent government of the Philippine Islands; the ratification of the constitution and the election of government officials by the Filipinos; a five year test period under the control of the United States, after which the Filipinos shall choose by a plebiscite whether they want to be an independent nation or continue under the control of the United States, and finally, the complete withdrawal of the United States from control of the Philippines, except for the retention of coaling or naval bases.

In a letter sent to the chairman of the Committee, on May 15, 1930, in response to his request, Patrick J. Hurley, Secretary of War, opposed the provisions of the Hawes and Cutting bills and of all other bills for Philippine independence, except for those provisions contained in a resolution introduced by Senator Bingham, S. J. Res. 113, which provide for a joint Congressional investigation of the general condition of the Philippines. S. J. Res. 113 is before the committee on Territories and Insular Affairs. Secretary Hurley pointed out that, whereas President Wilson had expressed to Congress his approval of steps looking toward independence of the Philippines, President Harding and President Coolidge had opposed it. Also that two investigations ordered by the Executive branch of the government—the Wood-Forbes investigation of 1921 and the Carmi Thompson investigation of 1926, had resulted in reports opposing it.

The April, 1924 number of *The Congressional Digest* carries a full discussion of this question.

#### *Pocket Veto*

In the December, 1928 number of *The Congressional Digest*, the question of the Pocket Veto was thoroughly analyzed and the point at issue defined. Since then, on May 27, 1929, the United States Supreme Court handed down a decision on the question which would seem to settle it for all time.

The excerpt from the United States Constitution bearing on the question is as follows:

" \* \* \* If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law."

The interpretation of the phrase "by their adjournment" became the moot question. Some held that adjournment referred to the end of the Congress; others that it might refer to the adjournment of any session, not necessarily the final one.

On April 16, 1928, the United States Court of Claims rendered its famous decision on the Okanagan Case. According to the opinion of the Court:

"A Petition was filed March 28, 1927, by the Okanagan and other tribes or bands of Indians, alleging that the suit is brought under authority of an act of Congress described

as Senate Bill No. 3185, Sixty-ninth Congress, first session, entitled, "An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims." A copy of this alleged act appears in the petition. It is further alleged that this bill having been duly passed by both Houses of Congress on June 23, 1926, was signed by the presiding officers thereof and "duly attested as by law required" and thereafter, on June 24, 1926, was duly presented to the President of the United States, and that "the said bill not being returned by the President within ten days after it was so presented to him, or at all, the same became and now is a law in like manner as if he had signed it." The demurrer presents the one question whether in the circumstances stated the bill ever became a law.

"The bill was presented to the President on June 24, 1926. On July 3, 1926 (eight days thereafter, Sunday excepted), there was a final adjournment of the first session of the Sixty-ninth Congress. The President did not approve or sign the bill. He did not make any return of it to either House. He did not deposit it with the Secretary of State as a law. When the Sixty-ninth Congress reconvened in its second session on December 6, 1926, no return of the bill or of objections thereto had been or was made. These facts, it is urged for the plaintiffs, caused the bill to become a law. The Government contends to the contrary."

The opinion which was delivered by Chief Justice Campbell (rendered more fully in above mentioned Digest) closed by stating "We conclude that the bill in question never became a law, and therefore that the demurrer should be sustained and the petition dismissed. And it is so ordered."

On appeal to the Supreme Court of the United States, the judgment of the Court of Claims was sustained, and henceforth, a pocket veto is effective at the end of any session of Congress, whether final or not. (See Muscle Shoals story in this number.)

#### *Prohibition—1930*

In the March, 1930, number of *The Congressional Digest*, a review was made of the prohibition legislation in the present Congress, which was receiving consideration by either House or Senate. The most important of these and the only one passed by this Congress to date is the Williamson Bill, H. R. 8574, transferring the Prohibition Enforcement machinery from the Treasury Department to the Department of Justice (Public Law 273). Various other bills strengthening enforcement in one way or another have passed one or the other of the Houses. Among these is the Hudson bill, H. R. 11204, to establish a Border Patrol for the prevention of smuggling, which passed the House on July 1, 1930. The Howell bill, S. 3344 to strengthen the enforcement act of the District of Columbia was favorably reported to the Senate on May 27, 1930, and will be pressed to a vote at the coming short session, according to its sponsor. No so-called "wet" bills have been reported by committees of either the House or Senate.

#### *Radio*

By an Act approved February 23, 1927, Congress created the Federal Radio Commission as a more or less temporary body to deal with the vast and numberless

problems that had arisen out of the sudden development of radio communication. At the end of 1927, the problem of radio regulation was still in a highly controversial state and Congress extended the life of the Commission another year. Then, on December 18, 1929, Congress passed an Act, extending the life of the Commission as a licensing authority "until further provided for by law."

The many problems involved in the radio field, international as well as national, led members of both Houses of Congress to feel that the entire question should be gone into and a comprehensive bill should be passed which would take care of the radio question as a whole.

A number of measures were introduced in both House and Senate, the most prominent of which was that introduced on April 18, 1929, by Senator Couzens of Michigan, Chairman of the Senate Committee on Interstate Commerce.

The original draft of this bill, S. 6, was intended to be merely the framework of ultimate legislation. In order to obtain the views of all interested parties, before the final draft of the bill was made, the Committee on Interstate Commerce held exhaustive hearings, beginning on May 8, 1929, and continuing from time to time until February 8, 1930.

The original draft of the bill was changed in committee and is still subject to further modification before it will be ready for final action by the Committee.

The Couzens bill provides for the creation of a National Communications Commission which will not only take over all the powers of the present Federal Radio Commission but will also take over from other departments and Commissions the control and regulation of all communications by wire and wireless. These functions are now distributed among the Radio Commission, the Department of Commerce and the Interstate Commerce Commission.

No radio legislation of moment is pending in the House Committee on Merchant Marine and Fisheries, to which are referred all radio bills in the House.

A complete history and discussion of the work of the Federal Radio Commission is contained in *THE CONGRESSIONAL DIGEST* for October 1928. A discussion of the entire communication problem, with special reference to the Couzens Bill is contained in *THE DIGEST* for April 1930.

#### *Reapportionment*

On June 18, 1929, President Hoover approved the census and apportionment bill, Public Law, No. 13, which provided for the reapportionment of the representation of the States in the House of Representatives and in the Presidential Electoral College on the basis of population as shown in the Fifteenth Census.

This bill was passed pursuant to the provisions of the Constitution of the United States providing that a census of population shall be taken every ten years; that Congress may make laws regulating the election of Representation and, in the Fourteenth Amendment, that "Representation shall be apportioned among the several States according to their respective numbers, counting the whole numbers of persons in each State, excluding Indians not taxed."

The fact that always, in each ten years, a certain percentage of States would have gained or lost representation has led Congress on several occasions to increase the membership of the House rather than reduce representation of States.

Following the Sixth Census of 1840, the membership of the House was reduced from 233 to 232. In 1850, following the Seventh Census, Congress made the membership 233 but passed a Supplementary Act in 1852 making it 234. Ten years later, following the Eighth Census, the House membership was raised to 243. In the succeeding fifty years, continuous increases were made each ten years until the present membership of 435 was fixed in 1911.

Advance estimates of population made by the Census Bureau in 1928 indicated that if an apportionment were to be made under which no State would lose a Representative, the membership of the House would probably have to be increased to 534 or 59 above its existing membership. On the ground that to further increase the membership of the House would make it an extremely unwieldy body, those in charge of the apportionment bill decided to stand on the existing membership and at the increase or decrease of population in each state determine the number of its representation, whether it won or lost.

A long drawn out fight over the bill ensued, since the States slated to gain in representation naturally wanted the bill to pass whereas the Senators and Representatives from the losing States wanted to defeat the bill. Various angles of opposition cropped up but the bill was finally passed.

When President Hoover sends to Congress the report of the Census Bureau, Congress will have to pass a bill putting into effect the apportionment contained in the Census Bureau report, or pass a bill declaring a different basis. If Congress fails to enact legislation by March 4, 1931, the Census figures will be referred to the various State legislatures. If the respective State legislatures do not reapportion the seats allotted to their States before the elections of November, 1932, each State shall elect its allotted number of Representatives at large, instead of from prescribed Congressional districts.

Representation in the House by Congressional districts is not a right under the Constitution of the United States. Prior to 1842, Representatives were elected at large in most states although some states had voluntarily divided their territory into Congressional Districts. In 1842, Congress passed an Act which provided that in every case where a State was entitled to more than one Representative in Congress, the number of Representatives from which the State was entitled should be composed of contiguous territory equal in number to the number of Representatives to which the State was entitled. Since that time every reapportionment bill has contained this provision.

It is within the power of Congress, however, to change this provision. This is why in the Apportionment Act of 1930, Congress was able to make provisions anticipating the possible refusal to redistrict, on the part of any State which lost or gained in representation or whose districts were unevenly balanced. This is taken care of by the provision that in the event of a failure to redistrict on the part of a state which loses in representation, the whole number must be elected at large.

Opposition to legislation to put into effect reapportionment on the basis of the Census Bureau's figures has developed. Representative Rankin, Miss., D., has announced his opposition on the ground that the heavily populated Eastern States have gained in representation because of the numbers of aliens that swell their population. Senators and Representatives whose views coincide with those expressed by Mr. Rankin hold that it is unfair to count alien non-voters in arriving at a basis of Congressional representation and that voters alone should count. An

effort was made to insert this provision in the bill when it was being debated in the House.

Representative Tinkham, Mass., R., offered an amendment reducing representation in the Southern States on the ground that in the census of the population of these states, negroes were counted, whereas the negroes were not permitted to vote. This controversy and the possible defeat of the bill led both sides to refrain from pressing their points.

The only way in which such a change in the basis of apportionment could be provided for would be to repeal the 1930 Act and substitute another. Supporters of the present law are of the opinion that the opposition will not be strong enough to do this. It is almost certain, however, that the reapportionment question will receive considerable agitation in the coming session.

On November 18, 1930 President Hoover made public the report of the Census Bureau on the basis of reapportionment in the next Congress. Under the provision of the reapportionment act the total membership of the House will remain the same—435. The following table shows how these 435 seats will be apportioned among the 48 States, together with the net losses or gains in representation of those States in whose delegations changes will occur. (*Census Bureau Figures.*)

#### Reapportionment Gains and Losses

<i>State</i>	<i>Present House</i>	<i>Next House</i>	<i>Gains</i>	<i>Losses</i>
Alabama . . . . .	10	9	..	1
Arizona . . . . .	1	1	..	..
Arkansas . . . . .	7	7	..	..
California . . . . .	11	20	9	..
Colorado . . . . .	4	4	..	..
Connecticut . . . . .	5	6	1	..
Delaware . . . . .	1	1	..	..
Florida . . . . .	4	5	1	..
Georgia . . . . .	12	10	..	2
Idaho . . . . .	2	2	..	..
Illinois . . . . .	27	27	..	..
Indiana . . . . .	13	12	..	1
Iowa . . . . .	11	9	..	2
Kansas . . . . .	8	7	..	1
Kentucky . . . . .	11	9	..	2
Louisiana . . . . .	8	8	..	..
Maine . . . . .	4	3	..	1
Maryland . . . . .	6	6	..	..
Massachusetts . . . . .	16	15	..	1
Michigan . . . . .	13	17	4	..
Minnesota . . . . .	10	9	..	1
Mississippi . . . . .	8	7	..	1
Missouri . . . . .	16	13	..	3
Montana . . . . .	2	2	..	..
Nebraska . . . . .	6	5	..	1
Nevada . . . . .	1	1	..	..
New Hampshire . . . . .	2	2	..	..
New Jersey . . . . .	12	14	2	..
New Mexico . . . . .	1	1	..	..
New York . . . . .	43	45	2	..
North Carolina . . . . .	10	11	1	..
North Dakota . . . . .	3	2	..	1
Ohio . . . . .	22	24	2	..
Oklahoma . . . . .	8	9	1	..
Oregon . . . . .	3	3	..	..
Pennsylvania . . . . .	36	34	..	2
Rhode Island . . . . .	3	2	..	1
South Carolina . . . . .	7	6	..	1
South Dakota . . . . .	3	2	..	1
Tennessee . . . . .	10	9	..	1
Texas . . . . .	18	21	3	..
Utah . . . . .	2	2	..	..
Vermont . . . . .	2	1	..	1
Virginia . . . . .	10	9	..	1
Washington . . . . .	5	6	1	..
West Virginia . . . . .	6	6	..	1
Wisconsin . . . . .	11	10	..	1
Wyoming . . . . .	1	1	..	..
Total . . . . .	435	435	27	27

#### Railroad Consolidation

The problem of railroad consolidation has been before Congress for several years. The question involved is whether some of the principal railroad systems should be allowed to consolidate. Permission to do so must be granted by legislation since such consolidations, as a general proposition, are now prohibited under the interstate commerce laws.

Exhaustive hearings on the subject have been held by the Interstate Commerce Commission and by the House Committee on Interstate and Foreign Commerce to which all railroad legislation in the House is referred.

In December, 1929, a subcommittee of the House Committee on Interstate and Foreign Commerce was appointed to consider all pending bills on the subject. It is expected that this committee will make its report during the coming session and upon its receipt the full committee will consider drafting a bill.

#### St. Lawrence Seaway

Exchange of the communications in September 1930 between Hanford MacNider, American Minister to Canada, and R. B. Bennett, Premier of Canada, on the subject of the St. Lawrence Canal project, indicates that the appointment of an American-Canadian Commission to draft a treaty to put the project into effect, will be made in the near future.

Thorough studies of the project have been made by committees of engineers from both countries. The results of these studies have been presented in formal reports to each Government. The next step is the consideration of a treaty.

It is expected that when Premier Bennett returns in December from London, where he is attending the Imperial Conference, he will take up the report of the Canadian engineers.

Premier Bennett is head of the new Government in Canada which took office on August 7, 1930, and which, so far, has been engaged in working on immediate domestic problems.

The following correspondence between Minister MacNider and Premier Bennett indicates the desire of their respective governments for progress in the St. Lawrence Project.

Note of September 2, 1930, from the American Minister to the Prime Minister of Canada:

"Sir:

"I have the honor to refer to previous correspondence exchanged between the Government of Canada and the Government of the United States on the subject of the proposed St. Lawrence Seaway.

"In pursuance of instructions from the President, I desire to reiterate that the Government of the United States stands ready to proceed with this proposed development at the earliest possible date. I have been directed to inquire whether the Canadian Government now finds itself in a position to appoint commissioners to discuss jointly with commissioners of the United States the details of the Seaway, and to formulate a treaty appropriate to the purpose.

"Accept, Sir, the renewed assurances of my highest consideration.

(Signed) HANFORD MACNIDER."

Note of September 10, 1930, from the Prime Minister of Canada to the American Minister:

"Sir:

*"I have the honour to acknowledge your note of September 2nd, indicating the readiness of the Government of the United States to proceed with the development of the proposed St. Lawrence waterway at an early date.*

*"The Canadian Government has given consideration to some phases of the St. Lawrence waterway question, but in view of the fact that the Parliament of Canada is now in session, and that the opening of the Imperial Conference has been set for September 30th, it will not be possible to deal with the question in a comprehensive manner at the present moment. I purpose, however, to go into the matter immediately upon my return from the Conference in November, and following this examination I shall communicate with you further.*

*"Accept, Sir, the renewed assurances of my highest consideration.*

(Signed) R. B. BENNETT,  
Secretary of State for External Affairs."

The question of a St. Lawrence "Seaway" was discussed in the January 1927 number of THE CONGRESSIONAL DIGEST.

#### Tariff

The Tariff Act of 1929, for which the present Congress is responsible, was first reported to the House on May 9, 1929 and finally reached the President for his approval on June 17, 1930—thirteen months later. The legislative process of making a tariff bill, together with a chronology of American tariff legislation, and a pro and con discussion of tariff principles was contained in the June 1929 number of THE CONGRESSIONAL DIGEST.

#### Taxes

On December 16, 1929, President Hoover approved H. J. Res. 133, providing for a reduction of approximately 1 per cent on incomes. At the time it was anticipated by the Administration that a similar reduction would be put into effect by a bill to be passed at this session of Congress. The provisions of last year's bill, applied to the incomes of 1928 and any bill passed by this Congress would apply to the incomes of 1929.

Recently indications have come from President Hoover, Secretary of the Treasury Mellon and Senator Smoot, Chairman of the Senate Committee on Finance that further tax reduction at this session of Congress is not a certainty, but must depend on the volume of Treasury receipts. For the past seven years, Government receipts have been above government expenditures, but this year, according to statements coming from the administration, it is not certain whether there will be a surplus or a deficit.

It is possible that conditions will be such as to cause Administration leaders to offer bills for an increase in taxes. Suggestions to this effect already have come from individual Republicans in the Senate and the House.

The views of the Administration on the tax situation will be set forth in the President's annual message to Congress and in his Budget message.

A full discussion of the various phases of Federal taxation is contained in the December, 1925, and January, 1928, issues of THE CONGRESSIONAL DIGEST.

#### Third Term Controversy

The question of the advisability of a third term for a President of the United States is given consideration by the nation and Congress only at a time when a President has served two terms and is a possible contestant for another term.

Following the contested election of 1800 between Jefferson and Burr, resolutions began to be introduced in Congress recommending a constitutional amendment against a third term, but such an amendment has never succeeded in being finally adopted, though in some cases having passed one branch of Congress.

A complete chronological history of action by either the House or Senate on this issue was contained in the April 1928 number of THE CONGRESSIONAL DIGEST when the third term controversy was presented from every angle. The last time action was taken in Congress on this question was in 1928 when the Senate adopted a resolution by a vote of 56 to 26, which had been introduced by Senator Robert M. La Follette of Wisconsin and which reads as follows:

*"Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the Presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic and fraught with peril to our free institutions."*

No effort has been made in the present Congress to secure an expression from either branch of Congress on this question.

#### Thirteen Month Calendar

In recent years calendar reform has taken the form of a movement for a thirteen month year. In 1918 such a bill was first introduced in Congress. Since then it has been advocated both in this country and abroad.

In the present Congress the late Representative Stephen B. Porter of Pennsylvania, chairman of the Foreign Affairs Committee of the House, introduced a resolution, H. J. Res. 60, proposing a thirteen month calendar, which is awaiting action by that committee. It is identical in form to H. J. Res. 334, which Mr. Porter introduced in the 70th Congress. The April 1929 number of The Congressional Digest, contains a complete presentation of this complicated but interesting question.

#### Uniform Marriage and Divorce Law

Efforts to secure a uniform marriage and divorce law for the United States through federal action date back to 1884, when an amendment to the Constitution to permit such legislation was first proposed. The subsequent history of similar legislation was traced step by step in THE CONGRESSIONAL DIGEST of June 1927.

In recent years, Senator Capper of Kansas has been active in sponsoring federal action on this subject. In the present Congress, he has introduced both an amendment to the Constitution, S. J. Res. 123, empowering

Congress to pass such a law and an accompanying bill, S. 3147, outlining federal legislation to regulate marriage and divorce. These are now before the Senate Committee on the Judiciary awaiting action. To date, no similar measures have been introduced in the House.

#### *U. S. Jury System Changes*

For a number of years, judges, bar associations and individual attorneys throughout the United States have been seeking to devise and put into practice methods which would result in increasing the promptness in handling the business of the law courts. The late Chief Justice of the United States, William Howard Taft, was among the leaders in this movement and it was the desire to improve court procedure that was partially responsible for the appointment by President Hoover of the National Commission on Law Observance and Enforcement, popularly known as "The Wickersham Commission."

Because the first feature of its task to approach the point of completion is the question of prohibition enforcement, the Wickersham Commission has sometimes been considered to have been created to study and report on prohibition alone, whereas that is only one of the many features of law observance and enforcement it is charged with considering.

In 1926, the Bar Association of the City of New York made an investigation of the causes of the congestion of the court calendar, Federal and State, in New York City, with the result that the association found the jury system partially responsible and recommended its modification.

The findings of the New York City Bar Association together with the drafts of several bills it recommended to correct existing conditions as far as the jury system is concerned, were laid before the House Committee on the Judiciary in 1928. In substance these bills provided for the voluntary waiver of jury trial on the part of the accused in criminal cases where the Constitution of the United States guarantees the right of jury trial; the waiver of jury trial by the court, in its discretion, in cases of misdemeanor; and the hearing of certain cases by United States Commissioners upon voluntary consent of the accused.

These bills were introduced by Representative Walton R. Moore, Va., D., and were given careful consideration by the committee, which held extensive hearings. The result was that on May 28, 1930, the House Committee on the Judiciary reported two bills, one introduced by Representative Moore, H. R. 12056, providing for voluntary waiver of jury trial with the voluntary consent of the accused and the Government, and the other by Representative Charles A. Christopherson, S. D., R., H. R. 10341, so amending the Federal Criminal Code that offenses not involving moral turpitude, the penalty for which does not exceed confinement in a common jail, without hard labor for a period of six months or a fine of not more than \$500, or both, shall be deemed petty offenses and may be tried before a United States Commissioner.

Both these bills were passed by the House on June 3, 1930. They were referred to the Senate Committee on the Judiciary from which they were reported on July 2, 1930. They are on the Senate calendar.

A full discussion of the proposed modification of the Federal Jury System is contained in the November, 1929 number of *The Congressional Digest*.

#### *Womens' Equal Rights Amendment*

After the passage of the Woman Suffrage Amendment to the U. S. Constitution, the National Woman's Party one of the national groups of organized women devoted to securing woman suffrage, decided to continue its existence in order to work for the removal of all remaining forms of subjection of women, beginning with the legal disabilities. The campaign was first undertaken in the States, but in November, 1922, the Woman's Party decided that although their activities with state legislatures to remove legal discriminations against women would be continued, they would introduce and work for the adoption of a federal blanket amendment at the same time. The present draft of the Lucretia Mott Amendment was adopted at the Seneca Falls Convention of the National Woman's Party in July, 1923. The amendment was presented to Congress for the first time in December, 1923, being introduced in the Senate on December 10, 1923, by Senator Curtis, and in the House by Representative Anthony on December 13, 1923.

Since then, in every Congress the Equal Rights Amendment has been reintroduced and in some cases hearings on the resolution have been held, but without further action. In the present Congress, the Lucretia Mott Amendment which provides that "Men and women shall have Equal Rights throughout the United States and every place subject to its jurisdiction" was re-introduced in the Senate, S. J. Res. 52, on June 4, 1929 by Senator Gerald P. Nye of North Dakota and in the House, H. J. Res. 55, by Representative Frederick W. Magrady on April 25, 1929. No hearings have been held to date. This question was fully presented in the March, 1924 number of *THE CONGRESSIONAL DIGEST*.

#### *World Court*

Following several years of bitter controversy, the United States Senate on January 27, 1926, adopted, with reservations, the resolution of adherence to the World Court (S. Res. 5, 69th Congress) which stated the condition under which the United States would consent to become a member of the Court.

The reservations appended to the protocol by the United States were, in turn, submitted to the members of the League of Nations who were signatory to the World Court protocol. In order to reconcile the differences as set forth in America's reservations with existing conditions for membership in the Court, Mr. Elihu Root, former U. S. Secretary of State, acting in an unofficial capacity, undertook to draft a new protocol which he hoped would be agreeable to all concerned. This draft, known as the "Root Formula," was signed by the members of the League and forwarded to the State Department in September, 1929. It is understood that three other drafts of the protocol will be presented to the Senate for consideration when they are again called upon to pass on this question.

On November 28, 1930, President Hoover made the following statement:

"I am submitting the protocols of the World Court to the Senate at the forthcoming session. I, of course, have hoped that it would be dealt with at this time.

"It is for the leaders of the Senate, however, to determine if it should be brought up in the press of other business during the short session.

"Certainly it should not be made an instrument of obstruction in attempts to force an extra session. Both its friends and foes should agree upon this."

Following the President's statement Senator Wm. E. Borah, chairman of the Senate Foreign Relations Committee, who is said to be strongly opposed to the United States' joining the World Court, announced that his committee would give prompt consideration to the protocol. He said:

"I feel that the World Court protocol should be reported to the Senate as soon as the committee has had time to reasonably consider it. I assume it would not be sent up if it was not the desire to have it disposed of as soon as practicable. I shall proceed upon that theory."

U. S. Senator Claude A. Swanson of Virginia, the ranking Democrat on the foreign relations committee, who is in favor of American adherence to the court, said:

"I am glad President Hoover sent up the World Court protocol. But I do not favor taking it up at the coming session.

"It could not be disposed of in the short session and the domestic measures for relief of the drought, the unemployed and agriculture should have precedence over all else.

"Meanwhile the country will have an opportunity to be informed on the question. I do not favor a special session of the Senate in the spring to consider it. Efforts to call a special session of the Senate will result in a special session of the entire Congress."

In the February, 1926, number of *THE CONGRESSIONAL DIGEST* the question of American adherence to the World Court was fully presented with pro and con arguments. After the "Root Formula" reaches the Senate another number of *THE DIGEST* will cover the salient points involved under the new proposals.

### Muscle Shoals Controversy in Congress

*(Continued from page 296)*

to appoint appraisers to ascertain the value of the Muscle Shoals development and then to negotiate leases for the various projects. Any lease negotiated by the Board must be approved or disapproved by the President of the United States within sixty days after it is presented to him. The time of leases is limited to fifty years and definite rates of production must be guaranteed. Preference in the sale of fertilizers by the lessees must be given to farmers and their cooperative associations; and, second, to state agencies engaged in processing and mixing fertilizers for resale to farmers. After these demands are supplied sales may then be made to fertilizer manufacturers, mixers or merchants.

Provision is made for the completion of dams and plants for the development of various chemical industries. Power is to be distributed among states within transmission distance of Muscle Shoals. Sale of power to private power companies is limited to a period not exceeding seven years and then only after the demands of manufacturing industries have been satisfied. The resolution contains provisions for the prompt cancellation of leases

in the event that the lessees do not live up to the terms of the leases.

When the House passed the amended Norris resolution and returned it to the Senate, the Senate disagreed to the amendments and asked for a conference. The resolution was in conference when Congress adjourned on July 3, 1930.

Senator McNary, Chairman of the Senate Committee on Agriculture and Forestry, chairman of the Senate conferees, has announced that he will ask for a meeting as soon as Congress convenes and also that the Senate conferees will insist on the acceptance of the original Norris Resolution. It is expected that the House conference will be firm in their demand for a retention of the House amendments.

It is a straight issue between adherents of the theory of Government operation and adherents of the theory of private operation of public utilities.

A full discussion of the Muscle Shoals problem is contained in the May, 1930 number of the Congressional Digest.

## Important Recess Appointments (Civilian)

### Made by President Hoover

*Awaiting Action by Senate*

Name	Position	Date Appointed 1930	Name	Position	Date Appointed 1930
Hoffman Philip.....	Minister to Norway.....	July 22	Edgar B. Brossard.....	Comm'r—U. S. Tariff Comm.	Sept 16
Floyd R. Harrison.....	Member, Fed. Farm Loan Board .....	Aug. 8	Thomas W. Page.....	Comm'r—U. S. Tariff Comm	" 16
Nicholas Roosevelt.....	Vice Gov. Philippine Isl.....	" 8	David H. Kincheloe.....	Judge, U. S. Customs Court..	" 22
David Burnet.....	Comm' of Internal Revenue..	" 18	Fred S. Pulver.....	U.S. Marshal, East. Dist., N.Y.	" 22
Elwyn T. Clark.....	Collector of Customs, Dist. 6, Conn.....	" 28	Lawrence A. Glenn.....	Comm'r—Miss. River Comm.	" 23
Charles D. Mahaffie.....	Interstate Commerce Comm.	Sept. 2	Harry J. Anslinger.....	Comm' of Narcotics.....	" 24
Jefferson S. Coage.....	Recorder of Deeds for D. C.	" 15	Lincoln Dixon.....	Comm'r—U. S. Tariff Comm.	" 26
Eugene Meyer.....	Governor, 2d Fed. Res. Dist., Federal Reserve Board....	" 15	Lt. Col. G. R. Spalding.....	Member, Miss. River Comm.	" 26
Henry P. Fletcher.....	Chairman—U.S. Tariff Comm.	" 16	Charles E. Mitchell.....	Minister Resident & Consul Gen'l to Liberia.....	" 10
Alfred P. Dennis.....	Comm'r—U. S. Tariff Comm.	" 16	Nicholas Roosevelt.....	Minister to Hungary.....	" 29
John Lee Coulter.....	Comm'r—U. S. Tariff Comm	" 16	J. Butler Wright.....	Minister to Uruguay.....	" 29
			J. Reuben Clark.....	Ambassador to Mexico.....	Oct. 3
			Joseph J. McGuigan.....	District Att'y for Canal Zone	" 20

### Total Number of Appointments Made by President Hoover\*

*With Action Taken by Senate*

*From March 4, 1929 to July 21, 1930*

Total nominations received.....	12,202	Duplications .....	110
Total rejections .....	4	Total unconfirmed .....	73
Total withdrawals .....	67	Total confirmed .....	11,949

### Important Presidential Appointments Made in Past Year

*With Dates of Action by Senate*

#### *Judicial*

Name	Position	Date Confirmed	Name	Position	Date Confirmed
Charles E. Hughes, N.Y....	Chief Justice of the United States .....	Feb. 13, 1929	Richard S. Whaley, S.C....	Judge, U. S. Court of Claims .....	June 2, 1930
Owen J. Roberts, Pa.....	Associate Justice, Supreme Court of U. S.....	May 20, 1930	John J. Parker, N.C.....	Associate Justice, Supreme Court of U. S.....	(Rejected) May 7, 1930

#### *Executive Departments*

Name	Position	Date Confirmed	Name	Position	Date Confirmed
Elonzo T. Morgan, W.Va.....	Exam. in Chief, Pat. Off. May 9, 1930		Ethelbert Stewart, Ill.....	Comm'r of Lab. Statistics	Dec. 18, 1929
Paul P. Pierce, Md.....	Exam. in Chief, Pat. Off. May 9, 1930		Arch. L. Parsons, U.S.N.....	Chief Bureau of Yards and Docks.....	Dec. 18, 1929
Frank P. Edinburg, Kans.....	Exam. in Chief, Pat. Off. May 9, 1930		Wm. R. Castle, Jr., D.C....	Asst. Secretary of State..	Dec. 18, 1929
Fred M. Hopkins, Mich.....	Asst. Comm'r of Patents..	May 9, 1930	Chester W. Ziegler, Pa.....	Assayer of Mint, Philadel-	
Bess Goodykoontz, Ia.....	Asst. Comm'r of Educ.....	June 16, 1930	phia, Pa.....	phia, Pa.....	Dec. 11, 1929
Charles B. Rugg, Mass.....	Asst. Attorney General.....	Feb. 6, 1930	Patrick J. Hurley, Okla.....	Secretary of War.....	Dec. 9, 1929
Thos. D. Thatcher, N.Y.....	Solicitor General.....	Mar. 22, 1930	Fred H. Payne, Mass.....	Asst. Secretary of War.....	Apr. 28, 1930
Harry E. Hull, Iowa.....	Comm'r Gen'l of Immig.....	Dec. 18, 1929			

*Boards, Bureaus and Commissions*

Name	Position	Date Confirmed	Name	Position	Date Confirmed
Alexander Legge, Ill.	Member, Federal Farm Board	June 17, 1930	Edwin P. Morrow, Ky.	Commissioner, Board of Mediation	Dec. 16, 1929
Charles C. Teague, Calif.	Member, Federal Farm Board	June 17, 1930	William E. Lee, Idaho	Commissioner, Board of Mediation	Jan. 16, 1930
Ira E. Robinson, W.Va.	Fed. Radio Comm.	Feb. 21, 1929	Hugh M. Tate, Tenn.	Commissioner, Board of Mediation	Feb. 20, 1930
Eugene O. Sykes, Miss.	Fed. Radio Comm.	Feb. 21, 1929	Thomas E. Campbell, Ariz.	Member, Civil Service Commission	June 9, 1930
Wm. D. L. Starbuck, Conn.	Fed. Radio Comm.	Feb. 21, 1929	Edward C. Plummer	Member, United States Shipping Board	June 12, 1930
Harold A. Lafount, Utah	Fed. Radio Comm.	Feb. 21, 1929	Annabel Matthews	Member, United States Board of Tax Appeals	Feb. 14, 1930
Charles McK. Saltzman, Ia.	Fed. Radio Comm.	Feb. 21, 1929			
Edward T. Franks, Ky.	Fed. Bd. for Voc. Educ.	June 16, 1930			
Joseph B. Eastman	Member, Interstate Commerce Commission	Dec. 18, 1929			

*Ambassadors and Ministers*

Name	Position	Date Confirmed	Name	Position	Date Confirmed
Herman Bernstein, N.Y.	Minister to Albania	Feb. 17, 1930	Dana G. Monroe, N.J.	Minister to Haiti	June 28, 1930
Gilchrist B. Stockton, Fla.	Minister to Austria	Jan. 22, 1930	Julius G. Lay, D.C.	Minister to Honduras	Dec. 16, 1929
Edward F. Feely, D.C.	Minister to Bolivia	June 4, 1930	William R. Castle, Jr., D.C.	Ambassador to Japan	Dec. 16, 1929
H. W. Shoemaker, Pa.	Minister to Bulgaria	Jan. 22, 1930	W. Cameron Forbes, Mass.	Ambassador to Japan	June 17, 1930
Hanford MacNider, Iowa	Minister to Canada	June 20, 1930	Matthew E. Hanna, Ohio	Minister to Nicaragua	Dec. 16, 1929
Nelson T. Johnson, Okla.	Minister to China	Dec. 16, 1929	Roy T. Davis, Mo.	Minister to Panama	Dec. 16, 1929
Chas. C. Eberhardt, Kans.	Minister to Costa Rica	Jan. 9, 1930	Post Wheeler, Wash.	Minister to Paraguay	Dec. 16, 1929
H. F. A. Schoenfeld, D.C.	Minister to Costa Rica	Dec. 16, 1929	Fred M. Dearing, Mo.	Ambassador to Peru	Jan. 31, 1930
A. C. Ratshesky, Mass.	Minister to Czechoslovakia	Jan. 25, 1930	Alexander P. Moore, Pa.	Ambassador to Poland	Jan. 31, 1930
Ralph H. Booth, Mich.	Minister to Denmark	Jan. 22, 1930	John N. Willys, Ohio	Ambassador to Poland	Mar. 8, 1930
Charles B. Curtis, N.Y.	Minister to Dom. Republic	Dec. 16, 1929	John Glover South, Ky.	Minister to Portugal	Dec. 16, 1929
William Dawson, Minn.	Minister to Ecuador	May 9, 1930	Arthur H. Geissler, Okla.	Minister to Siam	Dec. 16, 1929
Frank Mott Gunther, Va.	Minister to Ecuador	Jan. 22, 1930	David E. Kaufman, Pa.	Minister to Siam	June 12, 1930
Edward E. Brodie, Oreg.	Minister to Finland	Jan. 31, 1930	Ralph J. Totten, Tenn.	Minister to Union of South Africa	
Frederic M. Sackett, Ky.	Ambassador to Germany	Jan. 9, 1930	John M. Morehead, N.Y.	Minister to Sweden	June 20, 1930
Sheldon Whitehouse, N.Y.	Minister to Guatemala	Dec. 16, 1929			Jan. 22, 1930

*Unfinished Business in the House**Continued from page 294*

This is the old theater in which Abraham Lincoln was assassinated. It is situated on Tenth Street, Northwest, and, together with the brick dwelling immediately across the street, where Lincoln was carried and where he passed on, is already owned by the Government.

Various relics, known as the Oldroyd Collection, now in the dwelling house, are also owned by the Government and the purpose of the Museum Bill is to remodel the old

theater building as a museum for the housing of these and other relics of Abraham Lincoln and also as a headquarters for veterans' organizations. The bill carries an appropriation of \$100,000.

The bill was reported from the Committee on the District of Columbia April 3, 1930, and discussed in the House on May 26, while the House was in Committee of the Whole.

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